



Journal of the Senate

Number 12—Regular Session

Thursday, April 10, 2008

CONTENTS

Call to Order	498
Claim Bills	512
Co-Introducers	532
Committee Substitutes, First Reading	521
House Messages, Final Action	532
House Messages, First Reading	527
Moment of Silence	499
Motions Relating to Committee Reference	519
Reference Changes, Rule 4.7(2)	526
Reports of Committees	519
Resolutions	498
Special Order Calendar	504

CALL TO ORDER

The Senate was called to order by President Pruitt at 9:00 a.m. A quorum present—39:

Mr. President	Diaz de la Portilla	Lynn
Alexander	Dockery	Margolis
Aronberg	Fasano	Oelrich
Atwater	Gaetz	Peaden
Baker	Garcia	Rich
Bennett	Geller	Ring
Bullard	Haridopolos	Saunders
Carlton	Hill	Siplin
Constantine	Jones	Storms
Crist	Joyner	Villalobos
Dawson	Justice	Webster
Dean	King	Wilson
Deutch	Lawson	Wise

Excused: Senator Posey

PRAYER

The following prayer was offered by the Rev. Dr. Betsy J. Goehrig, First Christian Church of Tampa:

Lord of all, we come before you as we begin this session of our State Senate, seeking your presence and blessing. Bless the actions today that result in changes of lives tomorrow. May all that we do be done, not out of party or personality, but out of compassion for the people who have been entrusted in our care. For each decision, may we keep our eyes on you, God, and upon those whom we are called to serve.

- For the child struggling in school who needs extra attention to have any hope for the future;
- For the single mother who is trying to feed her children, hold down a job, and make ends meet;
- For the man who has spent his life working and now faces unemployment, redefining his life's purpose, and wrestling with providing for his family;
- For the widow who has long awaited the golden years, only to find that after the loss of her husband, she doesn't have the resources to meet the basic needs of food and medical care, and may face losing her home;

- For the one dying, who is in great pain of body and spirit, who could lose the one source of his or her physical and emotional comfort;
- For the disabled who face unbelievable challenges every day just to function, who need whatever assistance is provided; and
- For the countless names and faces of all people, each made in your image, who need hope, encouragement, and care.

We seek to do the best we can in making decisions that impact the lives of millions of men, women, and children. Forgive us, Lord, when we have failed to do our best. Teach us, Lord, what you would have us to learn and to do, to be our best. The needs are so great and the resources are limited. Show us where and how to provide and where to cut back wisely and lovingly, and how to move forward in your guidance. May you bless each leader here whom you have chosen, giving them the strength, the wisdom, and the courage to fulfill all the incredible challenges of the tasks before them. Fill them with your grace and love to empower them for all things. To your glory, we pray. Amen.

PLEDGE

Senate Pages Jillian B. Idle of North Palm Beach; Tarrie Johnson-Mack of Riviera Beach; Devin McNish of Tampa; and Kari K. Stephenson of Gulf Breeze, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. James Brookins of Tampa, sponsored by Senator Joyner, as doctor of the day. Dr. Brookins specializes in Internal Medicine.

ADOPTION OF RESOLUTIONS

On motion by Senator Jones—

By Senators Jones, Lawson, Wise, Fasano, Rich, Constantine, Hill, Justice, Ring, Bullard and Geller—

SR 1236—A resolution recognizing January 12, 2008, as the 20th Anniversary of the Florida Lottery's efforts in supporting education and Bright Futures Scholarships for Florida students.

WHEREAS, the Florida Lottery was created in 1986 pursuant to a constitutional amendment that passed by a two-to-one margin, and

WHEREAS, voters gave their approval to create a lottery that uses all its proceeds to enhance public education in Florida, and

WHEREAS, on January 12, 1988, Florida Lottery ticket sales began 6 days ahead of schedule with the launch of the first Scratch-Off game, "MILLIONAIRE," which generated more than \$95 million in sales during its first week and set a record in the lottery industry, and

WHEREAS, the mission of the Florida Lottery is to maximize revenues in a manner consonant with the dignity of the state and the welfare of the public, and

WHEREAS, the Florida Lottery is a multibillion-dollar state revenue resource in which customer value, public trust, and an unwavering commitment to the enhancement of public education are cultivated and celebrated with honesty, creativity, and diversity, and

WHEREAS, the Florida Lottery has consistently remained a reliable contributor to education in the state, having more than tripled its aver-

age monthly contribution to the Educational Enhancement Trust Fund since its first transfer of funds in February 1988, and

WHEREAS, the Florida Lottery transferred \$1.26 billion in the 2006-2007 fiscal year, and has transferred more than \$1 billion in each of the last 5 consecutive fiscal years, and

WHEREAS, since its inception, the Florida Lottery has transferred a total of more than \$18 billion to the Educational Enhancement Trust Fund, and

WHEREAS, dollars from the Florida Lottery reach every level of public education in the state, contributing to K-12 programs in Florida's 67 school districts, to the building and renovation of schools throughout the state, and to funding for state universities and community colleges, as well as fully funding more than one million Bright Futures Scholarships to date, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes January 12, 2008, as the 20th Anniversary of the Florida Lottery's continuing support for education and its full funding of the Bright Futures Scholarship Program to benefit Florida students, and wholeheartedly supports the efforts and vision of the Florida Lottery.

—was introduced out of order and read by title. On motion by Senator Jones, **SR 1236** was read the second time in full and adopted.

On motion by Senator Justice—

By Senator Justice—

SR 2936—A resolution recognizing April 2008 as Cancer Control Awareness Month in Florida.

WHEREAS, cancer will strike approximately one out of two men and about one out of every three women in the course of their lives, and

WHEREAS, cancer accounts for one out every four deaths, and is the second-leading cause of death in the United States, and

WHEREAS, the American Cancer Society estimates that more than 101,920 new cases of cancer in Florida will be diagnosed and more than 41,660 Floridians will die from cancer in 2008, and

WHEREAS, many cancers can be prevented by lifestyle changes or cured if detected early and treated promptly, and

WHEREAS, as many as one-third of the cancer deaths occurring each year are related to nutrition, physical inactivity, obesity, and other lifestyle factors, and thus might have been prevented, and

WHEREAS, almost half of all individuals who continue to smoke may expect to die prematurely from lung cancer or other tobacco-related diseases, and

WHEREAS, 30 percent of all cancer deaths and 87 percent of all lung cancer deaths are caused by smoking cigarettes or other tobacco products, and

WHEREAS, the 5-year survival rate for all cancers combined is 66 percent, but survival rates may increase even more for certain cancers such as breast, cervical, and colorectal cancers if they are detected and treated early, and

WHEREAS, rates of cancer incidence and death in Florida may be significantly reduced through increased awareness of the American Cancer Society's cancer-screening guidelines and compliance with those guidelines, and

WHEREAS, promotion of Cancer Control Awareness Month and statewide cancer-control initiatives, such as the Florida Dialogue on Cancer sponsored by the American Cancer Society, may assist Florida in significantly reducing the burden of cancer that Floridians and the state currently confront, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate recognizes the month of April 2008 as "Cancer Control Awareness Month" in Florida and urges all Floridians to understand the risks associated with cancer, to change behaviors that increase their cancer risks, and to follow the American Cancer Society cancer-screening guidelines.

—was introduced out of order and read by title. On motion by Senator Justice, **SR 2936** was read the second time in full and adopted.

MOMENT OF SILENCE

The President recognized Senator King who asked the Senate to observe a moment of silence in memory of Representative Don Davis of Jacksonville, who passed away this day.

At the request of Senator Wilson—

By Senator Wilson—

SR 168—A resolution recognizing the week of April 13-19, 2008, as "Minority Cancer Awareness Week" in the State of Florida.

WHEREAS, there has been recent progress in the fight against cancer, yet many Floridians still suffer unequal rates of cancer incidence and mortality, and medically underserved populations have inadequate access to quality cancer prevention, screening, treatment, and rehabilitation services, and

WHEREAS, certain populations of Floridians, such as African Americans, Hispanics, Latinos, and the medically uninsured, experience higher rates of cancer incidence and death, and

WHEREAS, even when poverty levels are accounted for, African Americans, American Indians, Asian Americans, and Pacific Islanders have lower 5-year-cancer-survival rates than whites who are not of Hispanic descent, and

WHEREAS, among all racial and ethnic groups, African Americans experience the highest death rate from all cancers and the highest death rate from lung, colorectal, prostate, and cervical cancers, and

WHEREAS, Hispanics and Latinos are the fastest-growing segment of the nation's population, and Hispanics are now the largest minority population in Florida, and

WHEREAS, almost 35 percent of the Hispanic and Latino population have no health care coverage and almost 31 percent have no access to regular medical care, making Hispanics and Latinos the most medically underserved population among all racial and ethnic groups, and

WHEREAS, approximately 2.8 million or 19.2 percent of adult Floridians have no health insurance coverage and frequently lack access to quality health care, including potentially lifesaving services to screen for, detect, and treat cancer, and

WHEREAS, minority cancer awareness initiatives, such as those promoted by the American Cancer Society and Florida's recognition of the nationally observed Minority Cancer Awareness Week, will encourage efforts to reduce ethnic, racial, and socioeconomic cancer disparities, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes April 13-19, 2008, as "Minority Cancer Awareness Week" in the State of Florida, and urges all Floridians to work with cancer-education providers, such as the American Cancer Society, to increase awareness of the disparities that minority populations face in the fight against cancer.

—**SR 168** was introduced, read and adopted by publication.

At the request of Senator Joyner—

By Senator Joyner—

SR 1066—A resolution recognizing the month of March as “Women’s History Month.”

WHEREAS, women have made historic contributions to the growth and strength of this state in countless recorded and unrecorded ways, and

WHEREAS, women have played and continue to play a critical economic, cultural, and social role in every sphere of life by constituting a significant portion of the labor force working inside and outside the home, and

WHEREAS, women have played a unique role throughout the history of the nation by providing the majority of our volunteer labor force and were particularly important in the establishment of early charitable, philanthropic, and cultural institutions, and

WHEREAS, women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive movement to improve society, and

WHEREAS, women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the industrial labor movement, the civil rights movement, the environmental justice movement, and other social justice campaigns, especially the peace movement, creating a more fair and just society for all, and

WHEREAS, despite these contributions, the role of women has been consistently overlooked and undervalued in literature and in the teaching and study of history, and

WHEREAS, in recognition of the contributions of women, Congress has passed a resolution each year since 1987 designating the month of March as “Women’s History Month,” and

WHEREAS, the theme of Women’s History Month in 2008 is “Women’s Art: Women’s Vision” and the month of March presents special opportunities to celebrate the wisdom and tenacity of generations of women who have come before us and those who will follow, and to acknowledge the courage, determination, and steadfastness needed to move history forward, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That March 2008 is recognized as “Women’s History Month” and the residents of this state are called upon to observe this and every March by participating in programs, ceremonies, and activities to foster an awareness of and appreciation for the contributions made by women which have benefited and improved society.

—**SR 1066** was introduced, read and adopted by publication.

At the request of Senator Joyner—

By Senator Joyner—

SR 1168—A resolution recognizing February 2008 as “Black History Month” in Florida.

WHEREAS, our nation has celebrated Black History during the month of February since 1926 when Carter G. Woodson established Negro History Week, and the theme for this year’s celebration is “Carter G. Woodson and the Origins of Multiculturalism,” and

WHEREAS, long ago, approximately 12 million African American men, women, and children were forced to enter ships for lives of slavery in the Western Hemisphere, 10 million of whom survived the Middle Passage to arrive in America, and

WHEREAS, the Civil War erupted because the ideals upon which this country was founded are in direct conflict with slavery, resulting in the ratification of the 13th Amendment, abolishing slavery in the United States of America, and

WHEREAS, the Civil Rights Movement of the 20th century began in an effort to correct the failures of Reconstruction and erase the remnants of slavery still evident in Jim Crow laws, in continued segregation in nearly every aspect of daily life, and in the persistence of second-class citizenship for African Americans, and

WHEREAS, as a testament of strength throughout these struggles, African Americans such as Harriet Tubman, Sojourner Truth, Frederick Douglass, W.E.B. DuBois, Booker T. Washington, George Washington Carver, Carter G. Woodson, Malcolm X., Thurgood Marshall, Reverend Dr. Martin Luther King, Jr., Fannie Lou Hamer, Shirley Chisholm, and Barbara Jordan have contributed to the political and social growth of American society, and

WHEREAS, through the contributions of African American musicians and writers, such as Louis Armstrong, Count Basie, Duke Ellington, Billie Holiday, Charlie Parker, Ella Fitzgerald, Dizzy Gillespie, Leontyne Price, Marian Anderson, Andre Watts, Phyllis Wheatley, Langston Hughes, James Baldwin, Richard Wright, Alex Haley, Maya Angelou, Alice Walker, Gwendolyn Brooks, and Toni Morrison, the culture of the United States of America has been vitally enriched, and

WHEREAS, African American sports figures, such as Jesse Owens, Arthur Ashe, Muhammad Ali, Robert “Bullet Bob” Hayes, a Florida native who still is the only athlete to earn both an Olympic Gold Medal and an NFL Super Bowl Ring, Tiger Woods, Venus Williams, and Serena Williams, have demonstrated their ability to be role models on and off the field and in and out of the ring as they stood up for their rights and beliefs, and

WHEREAS, the fields of medicine, science, and technology have all been advanced by the contributions of such African American men and women as Dr. Charles Drew, Dr. Daniel Hale Williams, Garrett Morgan, George Washington Carver, Dr. Mae C. Jemison, and Dr. Benjamin Carson, and

WHEREAS, African Americans who are native to Florida, such as Zora Neale Hurston, Charles Kenzie Steele, Sr., Jesse K. McCrary, Jr., Joseph E. Lee, Asa Philip Randolph, and Mary McLeod Bethune, have proudly represented our state as they contributed to the history and culture of the United States of America, and

WHEREAS, it is important to celebrate the many achievements of African Americans in an effort to offer each American a broader perspective of our history and an appreciation for the diversity that makes this country strong, and

WHEREAS, February is the birth month of both Abraham Lincoln and Frederick Douglass, two of the leaders in the movement to abolish slavery, and has been recognized at the local, state, and national levels as an appropriate month to commemorate the contributions of African Americans to our society, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That February 2008 is recognized as “Black History Month” in the State of Florida, and the Florida Senate calls upon the people of this state to observe Black History Month through programs, ceremonies, and activities celebrating the historical and cultural contributions of African Americans.

—**SR 1168** was introduced, read and adopted by publication.

At the request of Senator Bullard—

By Senator Bullard—

SR 1674—A resolution recognizing Monty Trainer for his many contributions to Miami-Dade County and the State of Florida.

WHEREAS, Monty Trainer, a native of Key West and a resident of Coconut Grove for approximately 40 years, has become well known for his philanthropic presentations and his accomplishments in shaping the image of Miami-Dade County and its culture, and

WHEREAS, Mr. Trainer, a former member of the Governor’s Committee for Tourism and Chairman of the Greater Miami Host Committee, Inc., produces and hosts the signature events that promote Greater

Miami and the Miami Beaches as a national and international travel and tourism destination, and

WHEREAS, he is currently President of the prestigious Coconut Grove Arts Festival, which is recognized as a premier international arts festival in the United States, and

WHEREAS, Monty Trainer's passion and commitment to Miami-Dade County are demonstrated in his dedicated efforts as Chairman of Miami-Dade County Days in Tallahassee for the past 19 years; as Vice Chairman of the New World School of the Arts; as a member of the City of Miami Special Events and Marketing Committee; as Chairman of the Coconut Grove Arts & Historical Society; and as State Chairman of Recording for the Blind and Dyslexic, and

WHEREAS, he has been honored by the Florida Association for Non-profit Organizations and the National Association of Fundraising Executives for his remarkably energetic and successful community leadership, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes the dedicated work and valuable accomplishments of Monty Trainer in developing, promoting, and supporting the cultural resources of Miami-Dade County and the State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Mr. Monty Trainer as a tangible token of the sentiments of the Florida Senate.

—**SR 1674** was introduced, read and adopted by publication.

At the request of Senator Crist—

By Senators Crist, Joyner, Justice and Storms—

SR 1956—A resolution recognizing April 10, 2008, as “Hillsborough County Day” in Tallahassee.

WHEREAS, Hillsborough County was organized as a county in 1834 and extends across some 1,050 square miles with a current population exceeding 1 million people, and

WHEREAS, Hillsborough is home to three municipalities - Plant City, chartered in 1885; Tampa, chartered in 1887; and Temple Terrace, chartered in 1925, and

WHEREAS, Hillsborough County today is a multicultural, diverse community, a microcosm of the state of Florida, offering a breadth of lifestyles including a strong urban core, two smaller municipalities having a Main Street ambience, a flourishing suburbia, community living for the active elderly, and sufficient rural areas for those who choose more pastoral or agrarian lifestyles, and

WHEREAS, Hillsborough is the western anchor of the Florida High Tech Corridor consisting of 23 counties, the largest of the seven member counties of the Bay Area Legislative Delegation, and the epicenter of business and commerce for the region with top-notch and ever-improving and expanding transportation systems to serve people and move goods via the Tampa International Airport, the Port of Tampa, and the interconnecting Interstate Systems, and

WHEREAS, Hillsborough offers an almost unlimited menu of opportunities ranging from state-of-the-art health care and seamless K-12 through state university education to cultural events and historic districts, beaches, parks, and prestigious sporting events, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes April 10, 2008, as “Hillsborough County Day” and joins the rest of the legislative community in celebrating the Fifth Anniversary of “Flavors of Hillsborough” at the State Capitol.

—**SR 1956** was introduced, read and adopted by publication.

At the request of Senator Haridopolos—

By Senator Haridopolos—

SR 1958—A resolution recognizing April 10, 2008, as “Obesity Awareness Day” in Florida.

WHEREAS, Florida's leaders have a responsibility to encourage and promote healthy lifestyles for the residents of this state, including communicating information about healthy diet, the importance of physical activity, and the availability of clinical treatment, and

WHEREAS, in recent years, poor health, in the form of obesity and inactivity, has increased dramatically throughout the world, and

WHEREAS, in America, more than one-half of all adults are overweight, representing approximately 69 million people, and

WHEREAS, according to the Centers for Disease Control, in the year 2000 approximately 19.8 percent of adults in the United States were classified as “obese,” an increase of 61 percent since 1991, and

WHEREAS, only 22 percent of American adults engage in recommended regular physical activity of any intensity during leisure time, and only 15 percent engage in the recommended amount of vigorous activity, and

WHEREAS, obesity can lead to a 50-percent to 100-percent increase in risk of death to an individual from all causes, and more than 280,000 Americans die each year from obesity-related diseases, and

WHEREAS, today, 15 percent of all children and adolescents are overweight, nearly double the percentage two decades ago, and

WHEREAS, in 1980, fewer than 4 percent of childhood diabetes cases were Type 2 Diabetes, but that number has since risen to approximately 20 percent, and, of the children diagnosed as having Type 2 Diabetes, 85 percent are obese, and

WHEREAS, because the prevalence of Type 2 Diabetes has tripled in the last 30 years, more people who have diabetes will live longer and have a greater chance of developing disabling, life-threatening complications from diabetes, and

WHEREAS, the direct costs of inactivity and obesity account for approximately 9.4 percent of national health care expenditures, with costs reaching at least \$39.3 billion, and

WHEREAS, Floridians will become more aware of the growing problems related to obesity and inactivity if they are given pertinent information and if good examples are set by leaders in the community, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes April 10, 2008, as “Obesity Awareness Day” in Florida and encourages individuals and communities throughout the state to do all they can to promote awareness of the serious problems resulting from inactivity and excess weight.

—**SR 1958** was introduced, read and adopted by publication.

At the request of Senator Bullard—

By Senator Bullard—

SR 2068—A resolution acknowledging the invaluable contributions Delta Sigma Theta Sorority, Inc., has made to the people of Florida, and recognizing April 13-15, 2008, as “The 14th Annual Delta Days at the Florida Capitol.”

WHEREAS, Delta Sigma Theta Sorority, Inc., is a public service organization that was founded on January 13, 1913, by 22 outstanding women at Howard University in Washington, D.C., and

WHEREAS, nearly 6 weeks after its founding, the first public act of the sorority was its participation in the Women's Suffrage Movement demanding rights for women, particularly the right to vote, and

WHEREAS, Delta Sigma Theta Sorority, Inc., is a sisterhood of college-educated women committed to implementing the sorority's mission through its Five Point Program Thrust: Economic Development, Educational Development, Physical and Mental Health, Political Awareness, and International Awareness and Involvement, and

WHEREAS, Delta Sigma Theta Sorority, Inc., recently celebrated 95 years of exemplary service and support to local communities, leading dialogue on public policy issues, supporting quality education, and producing new projects to stimulate current and future economic growth, and

WHEREAS, with more than 200,000 college-educated women and over 950 chapters worldwide - 47 chapters located in Florida and the Bahamas - members of Delta Sigma Theta Sorority are clearly focused and visible as corporate and civic leaders, productive public officials, acclaimed academicians, and activists in their own right, and

WHEREAS, for the past 14 years, the sorority's Florida chapters have conducted "Delta Days at the Florida Capitol" to provide information to state legislators and government executives which is vital to developing public policy; to host a reception for state legislators and government executives; and to monitor the progress of pending legislation related to significant public policy issues, and

WHEREAS, on April 13-15, 2008, the members of the 47 chapters of the sorority that now serve Florida and the Bahamas will converge on Tallahassee to conduct The 14th Annual Delta Days at the Florida Capitol, with the theme "Remember the 22 - Social Action is What We Do!," and

WHEREAS, Senators Larcenia J. Bullard and Arthenia Joyner, and Representatives Dorothy Bendross-Mindingall, Joyce Cusack, and Audrey Gibson are esteemed members of Delta Sigma Theta Sorority, Inc., NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate commends Delta Sigma Theta Sorority, Inc., for its contributions to the people of Florida, and recognizes April 13-15, 2008, as "The 14th Annual Delta Days at the Florida Capitol."

—**SR 2068** was introduced, read and adopted by publication.

At the request of Senator Joyner—

By Senator Joyner—

SR 2186—A resolution recognizing Helen Gordon Davis.

WHEREAS, Helen Gordon Davis served the people of Florida as a State Representative from 1974 to 1988, and as a State Senator from 1988 to 1992, and

WHEREAS, Senator Davis worked tirelessly to promote the well-being of women and children and has been honored for her work by many groups including the Florida Women's Consortium, American Business Women, the National Organization for Women, the Florida Network of Youth and Family Services, the American Association of University Women, and the Florida League of Women Voters, and

WHEREAS, Senator Davis also steadfastly advocated for the civil rights of women and children and was the first white woman in Florida to join the NAACP, and

WHEREAS, she saw the need of widows and divorcees who had been homemakers during most of their adult lives to have peer counseling, job training, and support groups to help them enter the job market, and she established one of the first displaced homemaker programs at the Centre for Women in Tampa, and

WHEREAS, following the success of the program in Tampa, she sponsored legislation to provide for displaced homemaker centers throughout the state, and

WHEREAS, in 1988, Senator Davis sponsored legislation to establish the Displaced Homemaker Trust Fund from marriage license fees and divorce filing fees, a funding process that continues to this day, and

WHEREAS, the Florida Displaced Homemaker Network Association honors Helen Gordon Davis for her vision and pioneering efforts on behalf of displaced homemakers in Florida, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes the vision and pioneering efforts of Helen Gordon Davis in improving the conditions and possibilities of displaced homemakers in our time and in increasing the well-being of women and children.

BE IT FURTHER RESOLVED that the Senate recognizes this 10th day of April, 2008, as "Helen Gordon Davis Appreciation Day" at the State Capitol in acknowledgement of her distinguished service.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Helen Gordon Davis as a tangible token of the sentiments of the Florida Senate.

—**SR 2186** was introduced, read and adopted by publication.

At the request of Senator Wilson—

By Senator Wilson—

SR 2880—A resolution recognizing April 11, 2008, as "Grandparents and Relative Caregivers Day" in the State of Florida.

WHEREAS, our grandparents and relative caregivers are models to us, shaping our character and principles and providing us with unconditional love and support throughout our lifetimes, and

WHEREAS, our grandparents and relative caregivers help ensure that cultural traditions and timeless values are passed on to future generations, and

WHEREAS, with compassion and understanding, our grandparents and relative caregivers contribute to our future by serving as a source of strength in times of difficulty, encouragement in moments of doubt, and empathy in periods of distress, and

WHEREAS, because of the care provided by our grandparents and relatives, we develop a sense of self-worth which assists us in becoming well-adjusted, healthy adults, and

WHEREAS, many grandparents and relatives selflessly step in to raise children in difficult circumstances, and these dedicated individuals deserve our respect and support, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate urges all Floridians to honor grandparents and relative caregivers for the many valuable contributions they make to the lives of our families and our society and recognizes April 11, 2008, as "Grandparents and Relative Caregivers Day" in the State of Florida.

—**SR 2880** was introduced, read and adopted by publication.

At the request of Senator Joyner—

By Senator Joyner—

SR 2926—A resolution honoring the Phi Theta Kappa 2008 All-Florida Academic Team members.

WHEREAS, April 15, 2008, "Florida Phi Theta Kappa Day," is an appropriate time for the Legislature of the State of Florida to recognize and salute Phi Theta Kappa, the esteemed international honor society for community and junior colleges, and

WHEREAS, special commendations should be extended to the outstanding scholars who comprise the 2008 All-Florida Academic Team, a team of highly successful community college students assembled by the Florida Community College System, and

WHEREAS, 104 students from Florida's Community College System, one private institution, Florida College, and one independent university,

Keiser University, were named to the 2008 All-Florida Academic Team, and

WHEREAS, based on the national ranking of these students in the All-USA Academic Team competition sponsored by USA Today and Phi Theta Kappa, which is recognized internationally, nationally, and in the State of Florida as the primary community college organization for the recognition of academic achievement, leadership, and service to the community, the following students comprise the 2008 All-Florida Academic Team:

Sean Abene, Manatee Community College; Angelica Aguirre, Broward Community College; Kelsey Alderfer, Okaloosa-Walton College; Gail Amalfitano, Indian River Community College; April Ballard, Brevard Community College; Elizabeth Barrero, Hillsborough Community College; Margaret Beck, St. Petersburg College; Georgia Beliech, Pensacola Junior College; Michele Belisle, St. Petersburg College; Benjamin Bingham, Florida College; Holly Bliss, Pasco-Hernando Community College; Geami Britt, Okaloosa-Walton College; Makeda-Ione Brome, Indian River Community College; Brandon Cerge, Florida Community College at Jacksonville; Emilie Chiasson, Palm Beach Community College; Jean Christy, Pasco-Hernando Community College; Allyson Cipollone, Valencia Community College; Nathan Crock, St. Petersburg College; Barbara Cymring, Miami-Dade College; Von Regan Davis, Brevard Community College; Gretchen Demary, Brevard Community College; Karla Dias, Edison College; Rebecca Dotson, Central Florida Community College; Stephanie Dunne, Santa Fe Community College; Marissa Egiptciaco, Seminole Community College; Elissa Feldman, Valencia Community College; Jason Flynn, Lake City Community College; Christina Frascogna, Broward Community College; Shakari Gilbert, Tallahassee Community College; Evan Gill, Polk Community College; Teresa Ginther, North Florida Community College; Michael Glidden, Manatee Community College; Patricio Gonzalez, Broward Community College; Samantha Gonzalez, Miami-Dade College; Devon Green, Indian River Community College; Walter Guy, Lake-Sumter Community College; Michael Haddan, Indian River Community College; Amber Hall, Lake-Sumter Community College; Christina Hanlon, Pasco-Hernando Community College; Teresa Hans, Palm Beach Community College; Lauren Hart, Indian River Community College; Brett Harvey, Florida Community College at Jacksonville; Shannon Hatcher, Chipola College; Elizabeth Hebert, Indian River Community College; Daniel Heckman, St. Johns River Community College; James Hernandez, Valencia Community College; Sarah Holland, Seminole Community College; Stephanie Jimenez, Miami-Dade College; Joseph Jimenez, South Florida Community College; Michael Johnson, Miami-Dade College; Ziyad Kadir, Broward Community College; Jamie Kaiser, Gulf Coast Community College; Kristi Kilpatrick, Pensacola Junior College; Justin King, Florida Keys Community College; Ryan Lamarca, Valencia Community College; Brice Latham, Okaloosa-Walton College; Sara Lubus-Centeno, Valencia Community College; Olga Lykhvar, Manatee Community College; Matthew MacKenzie, Central Florida Community College; Paola Mariselli, Broward Community College; Lisa Markham, Gulf Coast Community College; Tiffany Mathis, Indian River Community College; Felipe Matos, Miami-Dade College; Sarah Mauldin, Pasco-Hernando Community College; Amy McDonald, Florida Community College at Jacksonville; Jennifer Meyers, St. Johns River Community College; Emily Mitchell, Brevard Community College; Alyssa Money, St. Petersburg College; Jean Morrow, Central Florida Community College; Stacy Orr, Keiser University; Mariamo Oyeabanjo, Edison College; Jenifer Pariagh, Brevard Community College; Kevin Patel, Tallahassee Community College; Candace Payne, Palm Beach Community College; Anamary Pedrosa, Miami-Dade College; Katherine Profeta, Indian River Community College; Milica Radmanovic, Manatee Community College; Kendall Ramsijewan, Broward Community College; Angela Ratzlaff, Keiser University; Collier Rice, Palm Beach Community College; Gabriela Romero, Lake City Community College; Rosanna Salcedo-Saltos, Miami-Dade College; Joy Scholing, St. Petersburg College; Maria Sevilla, Miami-Dade College; Tyler Sheehan, Edison College; Jennifer Smith, Brevard Community College; Erin Smith, North Florida Community College; Odalys Solares, Miami-Dade College; Tommy Thompson, Chipola College; Rebekah Thompson, Indian River Community College; Chelsea Thorpe, South Florida Community College; Amy Threlkeld, Indian River Community College; Elias Valerio, Lake-Sumter Community College; Chelo van Leeuwen, Polk Community College; Ivan Vargas, Miami-Dade College; Maura Velasco, Hillsborough Community College; Jodi Verkleir, St. Johns River Community College; Justin Vincent-Tompkins, St. Petersburg College; Stephen Watson, St. Petersburg College; Stefanie

Wesch, Polk Community College; Melissa Wich, Daytona Beach Community College; Chasya Wiseman, Polk Community College; Wesley Wolfenbarger, Florida Community College at Jacksonville; and Jennifer Wolff, Seminole Community College, and

WHEREAS, each member of the 2008 All-Florida Academic Team has demonstrated impressive intellect and leadership and a determination to achieve academic excellence, and

WHEREAS, the praiseworthy and devoted efforts of the members of Phi Theta Kappa's All-Florida Academic Team have earned for them and their academic institutions the respect and admiration of the Senate of the State of Florida and of the residents of this state, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate honors and congratulates Phi Theta Kappa, the Florida Community College System, and the members of the 2008 All-Florida Academic Team and commends the team members for the outstanding competitive spirit and ability evidenced by their accomplishments.

—SR 2926 was introduced, read and adopted by publication.

At the request of Senator Rich—

By Senator Rich—

SR 2948—A resolution recognizing April 10, 2008, as “Florida Art Therapy Day.”

WHEREAS, on April 10, 2008, the Florida Art Therapy Association is sponsoring an exhibition of its clients' artwork in the rotunda of the Florida Capitol to share the benefits of art therapy with the public and other professionals, and

WHEREAS, over 15,000 art therapists have been practicing for more than 50 years within this country and around the world, and

WHEREAS, art therapists practice throughout this state in more than 100 settings, including schools, hospitals, clinics, day treatment centers, adult and child care centers, community mental health centers, shelters, correctional facilities, veterans hospitals and centers, geriatric facilities, and private practices, and

WHEREAS, the state's art therapists have maintained the Florida Art Therapy Association for the past 21 years to promote continuity in clinical standards and ethics as well as legislative matters, and

WHEREAS, the use of art therapy promotes the integration of emotional, physical, social, and cognitive functioning, fosters enhanced self-awareness, and facilitates positive change in human experience and behavior, and

WHEREAS, this state's art therapists make immeasurable contributions to the health and well-being of veterans, and persons having mental health needs, Alzheimer's disease, chronic illnesses, head injuries, substance abuse problems, physical disabilities, and developmental disabilities, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That April 10, 2008, is recognized as “Florida Art Therapy Day” in this state.

—SR 2948 was introduced, read and adopted by publication.

MOTION

On motion by Senator King, by two-thirds vote claim bills **SB 38, SB 40, SB 54, SB 60, CS for SB 68, SB 50** and **SB 56** were scheduled for consideration at 11:30 p.m. this day.

SPECIAL ORDER CALENDAR

Consideration of **SB 38**, **SB 40**, **SB 54**, **SB 60**, **CS for SB 68** and **CS for CS for SB 610** was deferred.

By Senator Oelrich—

CS for CS for SB 1716—A bill to be entitled An act relating to postsecondary education; amending s. 1000.21, F.S.; redesignating the names of certain community colleges as colleges; creating s. 1001.60, F.S., relating to the Florida College System; providing system purposes; defining the system as comprised of the public postsecondary educational institutions that grant 2-year and 4-year academic degrees; providing limitations; authorizing a name change under certain conditions; providing for institutions within the Florida College System to be governed by local boards of trustees; providing membership for the boards; creating s. 1004.87, F.S.; creating the Florida College System Task Force for the purpose of developing recommendations for the transition of community colleges to baccalaureate-degree-granting colleges; providing for membership and appointments; providing duties of the task force and reporting requirements; providing for the task force to be dissolved unless extended by general law; creating s. 1004.875, F.S.; creating the State College Pilot Project for the purpose of recommending to the Legislature an approval process for the transition of certain community colleges to state colleges; designating certain institutions to participate in the project; providing duties and reporting requirements for the institutions; providing an effective date.

—was read the second time by title.

Senators Oelrich, Diaz de la Portilla, Garcia and Villalobos offered the following amendment which was moved by Senator Oelrich and adopted:

Amendment 1 (188414)—Delete line(s) 181 and insert: *Daytona Beach College, Miami Dade College, and Indian River College in collaboration*

MOTION

On motion by Senator Geller, the rules were waived to allow the following amendment to be considered:

Senator Geller moved the following amendment which was adopted:

Amendment 2 (041312)(with directory amendment)—Between lines 36 and 37, insert:

(b) Broward Community College.

And the directory clause is amended as follows:

Delete line 30 and insert:

Section 1. Paragraphs (b), (e), and (k) of subsection (3) of

Pursuant to Rule 4.19, **CS for CS for SB 1716** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for SB 1080—A bill to be entitled An act relating to the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; amending s. 1004.445, F.S.; establishing the center within the University of South Florida; providing for the administration of the center; creating a research advisory board and providing for a manner of appointment; providing duties; eliminating the board of directors and the council of scientific advisors; revising the grant award process for the center; providing a limitation on expenditures; authorizing an account for center purposes; providing for a report; extending the sunset provisions; providing effective dates.

—was read the second time by title.

On motion by Senator Peaden, further consideration of **CS for CS for SB 1080** was deferred.

On motion by Senator Peaden, by unanimous consent—

CS for CS for SB 2760—A bill to be entitled An act relating to dentistry; amending s. 466.003, F.S.; providing a definition; amending s. 466.006, F.S.; revising the requirements for entitlement to take the necessary examinations to practice dentistry in this state; creating s. 466.0067, F.S.; providing requirements for application for a health access dental license in this state; creating s. 466.00671, F.S.; providing requirements for renewal of a health access dental license; creating s. 466.00672, F.S.; providing conditions in which the Board of Dentistry of the Department of Health may revoke a health access dental license; providing that the failure of a holder of a health access dental license to limit the practice of dentistry to health access settings is the unlicensed practice of dentistry; creating s. 466.00673, F.S.; providing for the repeal of statutory language regarding health access dental licensure; creating s. 466.00775, F.S.; requiring the board to adopt rules; amending s. 466.011, F.S.; conforming provisions to changes made in this act; amending s. 466.021, F.S.; revising requirements relating to retention of dental laboratories by dentists; changing terminology to reflect employment of dental laboratories and to change references to work orders to prescriptions; requiring a dental laboratory to keep the original or an electronic copy of prescriptions; amending s. 466.023, F.S.; authorizing dental hygienists to do certain tasks with and without general supervision; amending s. 466.032, F.S.; requiring specified continuing education for renewal of registration of a dental laboratory by a time certain; providing a listing of agencies or organizations that are authorized to develop and offer continuing education; requiring a dental laboratory owner to submit a sworn statement attesting to compliance with continuing education requirements and providing specified information; authorizing the Department of Health to request documentation of continuing education; authorizing the department to request such documentation at random without cause; providing exemptions from continuing education requirements; providing for voluntary compliance by certain dental laboratories; providing an effective date.

—was taken up out of order and read the second time by title.

MOTION

On motion by Senator Peaden, the rules were waived to allow the following amendment to be considered:

Senator Peaden moved the following amendment which was adopted:

Amendment 1 (033530)(with title amendment)—Delete line(s) 276-301.

And the title is amended as follows:

Delete line(s) 26-28 and insert: prescriptions; amending s. 466.032, F.S.; requiring

Pursuant to Rule 4.19, **CS for CS for SB 2760** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden, the Senate resumed consideration of—

CS for CS for SB 1080—A bill to be entitled An act relating to the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; amending s. 1004.445, F.S.; establishing the center within the University of South Florida; providing for the administration of the center; creating a research advisory board and providing for a manner of appointment; providing duties; eliminating the board of directors and the council of scientific advisors; revising the grant award process for the center; providing a limitation on expenditures; authorizing an account for center purposes; providing for a report; extending the sunset provisions; providing effective dates.

—which was previously considered this day.

MOTION

On motion by Senator Joyner, the rules were waived to allow the following amendments to be considered:

Senators Joyner and Crist offered the following amendments which were moved by Senator Joyner and adopted:

Amendment 1 (091898)—Delete line(s) 41-50 and insert: *board. The board shall review programs and recommend research priorities and initiatives to maximize the state's investment in the center.*

(4) *The center's research activities shall be administered by the director of research. The director of research shall be appointed by the president of the University of South Florida from a list of recommended candidates submitted by the research advisory board.*

Amendment 2 (665062)—On line 63, after “foundation” insert: *for charitable donations received*

Pursuant to Rule 4.19, CS for CS for SB 1080 as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden, by unanimous consent—

CS for SB 2326—A bill to be entitled An act relating to certificates of need; amending s. 408.035, F.S.; revising the requirements for the Agency for Health Care Administration with respect to reviewing an application for a certificate of need for a general hospital; amending s. 408.037, F.S.; revising the requirements for an application for a certificate of need by an applicant for a general hospital; amending s. 408.039, F.S.; prohibiting an applicant for a general hospital that is awaiting issuance of a final order from filing a letter of intent to file an application; limiting the period of a continuance that may be granted with respect to an administrative hearing considering an application for a general hospital; requiring that the party appealing a final order granting a certificate of need for a general hospital pay the appellee's attorney's fees and costs and post a bond to maintain the appeal; repealing s. 408.040(3), F.S., relating to a requirement for an architect's certification of final payment before issuance of a certificate of need; providing for application of the act; providing an effective date.

—was taken up out of order and read the second time by title.

MOTION

On motion by Senator Peaden, the rules were waived to allow the following amendments to be considered:

Senator Peaden moved the following amendments which were adopted:

Amendment 1 (786228)(with title amendment)—Delete line(s) 99-139 and insert:

(2) *An application for a certificate of need for a general hospital must contain a detailed description of the proposed general hospital project and a statement of its purpose and the needs it will meet. The proposed project's location, as well as its primary and secondary service areas, must be identified by zip code. Primary service area is defined as the zip codes from which the applicant projects that it will draw 75 percent of its discharges. Secondary service area is defined as the zip codes from which the applicant projects that it will draw its remaining discharges. In addition, the application for the certificate of need must include a statement of intent that, if approved by final order of the agency, the application for licensure pursuant to ss. 395.003 and 408.810 will include the items found in subparagraph (1)(b)3. and paragraph (1)(c).*

(3)(2) The applicant must certify that it will license and operate the health care facility. For an existing health care facility, the applicant must be the licenseholder of the facility.

Section 3. Subsection (3) of section 408.039, Florida Statutes, is amended, to read:

408.039 Review process.—The review process for certificates of need shall be as follows:

(3) APPLICATION PROCESSING.—

(a) An applicant shall file an application with the agency and shall furnish a copy of the application to the agency. Within 15 days after the applicable application filing deadline established by agency rule, the staff of the agency shall determine if the application is complete. If the application is incomplete, the staff shall request specific information

from the applicant necessary for the application to be complete; however, the staff may make only one such request. If the requested information is not filed with the agency within 21 days after the receipt of the staff's request, the application shall be deemed incomplete and deemed withdrawn from consideration.

(b) Upon the request of any applicant or substantially affected person within 14 days after notice that an application has been filed, a public hearing may be held at the agency's discretion if the agency determines that a proposed project involves issues of great local public interest. *In such cases, the agency shall attend the public hearing.* The public hearing shall allow applicants and other interested parties reasonable time to present their positions and to present rebuttal information. A recorded verbatim record of the hearing shall be maintained. The public hearing shall be held at the local level within 21 days after the application is deemed complete.

(c) *Except for competing applicants, in order to be eligible to challenge the agency decision on a general hospital application under review pursuant to paragraph (5)(c), existing hospitals must submit a detailed written statement of opposition to the agency and to the applicant. The detailed written statement must be received by the agency and the applicant within 21 days after the general hospital application is deemed complete.*

(d) *In those cases where a written statement of opposition has been timely filed regarding a certificate of need application for a general hospital, the applicant for the general hospital may submit a written response to the agency. Such response must be received by the agency within 10 days of the written statement due date.*

And the title is amended as follows:

Delete line(s) 6-11 and insert: hospital; amending s. 408.037, F.S.; revising the requirements for an application for a certificate of need by an applicant for a general hospital; amending s. 408.039, F.S.; requiring the agency to attend public hearings on such applications; requiring an existing hospital to submit a written statement of opposition in order to challenge the agency decision on an application for a certificate of need for a general hospital; authorizing the applicant to submit a written response; limiting

Amendment 2 (703256)(with directory and title amendments)—Delete line(s) 140-164 and insert:

(5) ADMINISTRATIVE HEARINGS.—

(b) Hearings shall be held in Tallahassee unless the administrative law judge determines that changing the location will facilitate the proceedings. The agency shall assign proceedings requiring hearings to the Division of Administrative Hearings of the Department of Management Services within 10 days after the time has expired for requesting a hearing. Except upon unanimous consent of the parties or upon the granting by the administrative law judge of a motion of continuance, hearings shall commence within 60 days after the administrative law judge has been assigned. *For an application for a general hospital, administrative hearings shall commence within 6 months after the administrative law judge has been assigned, and a continuance may not be granted absent a finding of extraordinary circumstances by the administrative law judge.* All parties, except the agency, shall bear their own expense of preparing a transcript. In any application for a certificate of need which is referred to the Division of Administrative Hearings for hearing, the administrative law judge shall complete and submit to the parties a recommended order as provided in ss. 120.569 and 120.57. The recommended order shall be issued within 30 days after the receipt of the proposed recommended orders or the deadline for submission of such proposed recommended orders, whichever is earlier. The division shall adopt procedures for administrative hearings which shall maximize the use of stipulated facts and shall provide for the admission of prepared testimony.

(c) In administrative proceedings challenging the issuance or denial of a certificate of need, only applicants considered by the agency in the same batching cycle are entitled to a comparative hearing on their applications. Existing health care facilities may initiate or intervene in an administrative hearing upon a showing that an established program will be substantially affected by the issuance of any certificate of need, whether reviewed under s. 408.036(1) or (2), to a competing proposed facility or program within the same district. *With respect to an application for a general hospital, competing applicants and only those existing*

hospitals that submitted a detailed written statement of opposition to an application as provided in this paragraph may initiate or intervene in an administrative hearing. Such challenges to a general hospital application shall be limited in scope to the issues raised in the detailed written statement of opposition that was provided to the agency. The administrative law judge may, upon a motion showing good cause, expand the scope of the issues to be heard at the hearing. Such motion shall include substantial and detailed facts and reasons for failure to include such issues in the original written statement of opposition.

And the directory clause is amended as follows:

Delete line(s) 113-116 and insert:

Section 3. Paragraphs (b) and (c) of subsection (5) of section 408.039, Florida Statutes, are amended to read:

And the title is amended as follows:

Delete line(s) 11-14 and insert: filing a letter of intent to file an application; limiting the period of a continuance that may be granted with respect to an administrative hearing considering an application for a general hospital; limiting the parties who may challenge in an administrative hearing involving an application for a certificate of need; limiting the scope of the challenge; authorizing the administrative judge to expand the scope of the issues to be heard upon a motion showing good cause; requiring that the

Amendment 3 (655154)(with directory and title amendments)—Delete line(s) 165-180 and insert:

(6) JUDICIAL REVIEW.—

(d) The party appealing a final order that grants a general hospital certificate of need shall pay the appellee's attorney's fees and costs from the beginning of the original administrative action if the appealing party loses the appeal, subject to the following limitations and requirements:

1. *Up to \$1 million if the appealing hospital is a statutory teaching hospital pursuant to s. 408.07(45), a public hospital owned or operated by a governmental entity as defined in s. 395.002(11), or designated as a statutory rural hospital pursuant to s. 408.07(43);*

2. *Up to \$2 million if the appealing hospital does not fall within the definitions enumerated in subparagraph 1.; and*

3. *The party appealing a final order must post a bond in the amount of \$1 million in order to maintain the appeal.*

Except as provided under s. 120.595(5), in no event shall the agency be held liable for any other party's attorney's fees or costs.

Section 4. Subsection (3) of section 408.040, Florida Statutes, is repealed.

Section 5. *The provisions of this act do not apply to a certificate of need application filed before the effective date of this act.*

Section 6. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

And the directory clause is amended as follows:

Delete line(s) 113-116 and insert:

Section 3. Paragraph (d) is added to subsection (6) of section 408.039, Florida Statutes, to read:

And the title is amended as follows:

Delete line(s) 14-21 and insert: application for a general hospital; requiring that the party appealing a final order granting a certificate of need for a general hospital pay the appellee's attorney's fees and costs subject to certain requirements; providing that the agency may not be held liable for any other party's attorney's fees or costs; repealing s. 408.040(3), F.S.; relating to a requirement for an architect's certification of final payment before issuance of a certificate of need; providing for application of the act; providing for severability; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 2326** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden, by unanimous consent—

CS for CS for SB 2534—A bill to be entitled An act relating to health insurance; amending s. 112.363, F.S.; specifying that coverage provided through the Cover Florida Health Care Access Program is considered health insurance coverage for the purposes of determining eligibility for the state retiree health insurance subsidy; amending s. 408.909, F.S.; revising eligibility for enrollment in a health flex plan; revising the expiration date of the health flex plan program; creating s. 408.9091, F.S.; creating the Cover Florida Health Care Access Program; providing a short title; providing legislative intent; providing definitions; requiring the Agency for Health Care Administration and the Office of Insurance Regulation of the Financial Services Commission within the Department of Financial Services to jointly administer the program; providing program requirements; requiring the development of guidelines to meet minimum standards for quality care and access to care; requiring the agency to ensure that the Cover Florida plans follow standardized grievance procedures; requiring the Executive Office of the Governor, the agency, and the office to develop a public awareness program; authorizing public and private entities to design or extend incentives for participation in the Cover Florida Access Program; requiring the agency and the office to announce an invitation to negotiate for Cover Florida plan entities to design a coverage proposal; requiring the agency and the office to approve one plan entity; authorizing the agency and the office to approve one regional network plan in each existing Medicaid area; requiring the invitation to negotiate to include certain guidelines; providing certain conditions in which plans are disapproved or withdrawn; authorizing the agency and the office to announce an invitation to negotiate for companies that offer supplemental insurance or discount medical plans; providing that certain licensing requirements or ch. 641, F.S., are not applicable to a Cover Florida plan; providing that Cover Florida plans are considered insurance under certain conditions; excluding Cover Florida plans from the Florida Life and Health Insurance Guaranty Association and the Health Maintenance Organization Consumer Assistance Plan; providing requirements for eligibility in a Cover Florida plan; requiring each Cover Florida plan to maintain and provide certain records; providing that coverage under a Cover Florida plan is not an entitlement and does not give rise to a cause of action; requiring the agency and the office to evaluate the Cover Florida program and submit an annual report to the Governor and the Legislature; requiring the agency and the Financial Services Commission to adopt rules; amending s. 627.6562, F.S.; requiring insurance policies that provide dependent coverage to provide the policyholder with the option of insuring a child until the age of 30 under certain circumstances; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Peaden moved the following amendments which were adopted:

Amendment 1 (237556)—Delete line(s) 81-86 and insert:

(c)(4) Are not covered by a private insurance policy and are not eligible for coverage through a public health insurance program, such as Medicare or Medicaid, unless specifically authorized under paragraph (e), or another public health care program, such as Kidcare, and have not been covered at any time during the past 6 months; who are covered under an individual contract issued by a health maintenance organization that is an approved health flex plan on October 1, 2008, and are applying for coverage in the same health flex plan without a lapse in coverage and all other eligibility requirements under this subsection are met; or who were covered under Medicaid or Kidcare and lost eligibility for Medicaid or a Kidcare subsidy due to income restrictions within 90 days before applying for health care coverage through an approved health flex plan; and

Amendment 2 (057880)(with title amendment)—Between line(s) 301 and 302 insert:

Section 4. Paragraph (b) of subsection (5) of section 624.91, Florida Statutes, is amended to read:

624.91 The Florida Healthy Kids Corporation Act.—

(5) CORPORATION AUTHORIZATION, DUTIES, POWERS.—

(b) The Florida Healthy Kids Corporation shall:

1. Arrange for the collection of any family, local contributions, or employer payment or premium, in an amount to be determined by the board of directors, to provide for payment of premiums for comprehensive insurance coverage and for the actual or estimated administrative expenses.

2. Arrange for the collection of any voluntary contributions to provide for payment of premiums for children who are not eligible for medical assistance under Title XXI of the Social Security Act.

3. Subject to the provisions of s. 409.8134, accept voluntary supplemental local match contributions that comply with the requirements of Title XXI of the Social Security Act for the purpose of providing additional coverage in contributing counties under Title XXI.

4. Establish the administrative and accounting procedures for the operation of the corporation.

5. Establish, with consultation from appropriate professional organizations, standards for preventive health services and providers and comprehensive insurance benefits appropriate to children, provided that such standards for rural areas shall not limit primary care providers to board-certified pediatricians.

6. Determine eligibility for children seeking to participate in the Title XXI-funded components of the Florida Kidcare program consistent with the requirements specified in s. 409.814, as well as the non-Title-XXI-eligible children as provided in subsection (3).

7. Establish procedures under which providers of local match to, applicants to and participants in the program may have grievances reviewed by an impartial body and reported to the board of directors of the corporation.

8. Establish participation criteria and, if appropriate, contract with an authorized insurer, health maintenance organization, or third-party administrator to provide administrative services to the corporation.

9. Establish enrollment criteria which shall include penalties or waiting periods of not fewer than 60 days for reinstatement of coverage upon voluntary cancellation for nonpayment of family premiums.

10. Contract with authorized insurers or any provider of health care services, meeting standards established by the corporation, for the provision of comprehensive insurance coverage to participants. Such standards shall include criteria under which the corporation may contract with more than one provider of health care services in program sites. Health plans shall be selected through a competitive bid process. The Florida Healthy Kids Corporation shall purchase goods and services in the most cost-effective manner consistent with the delivery of quality medical care. The maximum administrative cost for a Florida Healthy Kids Corporation contract shall be 15 percent. For health care contracts, the minimum medical loss ratio for a Florida Healthy Kids Corporation contract shall be 85 percent. For dental contracts, the remaining compensation to be paid to the authorized insurer or provider under a Florida Healthy Kids Corporation contract shall be no less than an amount which is 85 percent of premium; to the extent any contract provision does not provide for this minimum compensation, this section shall prevail. The health plan selection criteria and scoring system, and the scoring results, shall be available upon request for inspection after the bids have been awarded.

11. Establish disenrollment criteria in the event local matching funds are insufficient to cover enrollments.

12. Develop and implement a plan to publicize the Florida Healthy Kids Corporation, the eligibility requirements of the program, and the procedures for enrollment in the program and to maintain public awareness of the corporation and the program.

13. Secure staff necessary to properly administer the corporation. Staff costs shall be funded from state and local matching funds and such other private or public funds as become available. The board of directors shall determine the number of staff members necessary to administer the corporation.

14. Provide a report annually to the Governor, Chief Financial Officer, Commissioner of Education, Senate President, Speaker of the House of Representatives, and Minority Leaders of the Senate and the House of Representatives.

15. Provide information on a quarterly basis to the Legislature and the Governor which compares the costs and utilization of the full-pay enrolled population and the Title XXI-subsidized enrolled population in the KidCare program. The information, at a minimum, must include:

a. The monthly enrollment and expenditure for full-pay enrollees in the Medikids and Florida Healthy Kids programs compared to the Title XXI-subsidized enrolled population; and

b. The costs and utilization by service of the full-pay enrollees in the Medikids and Florida Healthy Kids programs and the Title XXI-subsidized enrolled population.

By February 1, 2009, the Florida Healthy Kids Corporation shall provide a study to the Legislature and the Governor on premium impacts to the subsidized portion of the program from the inclusion of the full-pay program, which shall include recommendations on how to eliminate or mitigate possible impacts to the subsidized premiums.

16.15. Establish benefit packages which conform to the provisions of the Florida Kidcare program, as created in ss. 409.810-409.820.

And the title is amended as follows:

On line(s) 51, after the first semicolon (;) insert: amending s. 624.91, F.S.; revising the duties of the Florida Healthy Kids Corporation;

Amendment 3 (685958)(with title amendment)—Between line(s) 301 and 302, insert:

Section 4. Subsection (5) of section 409.814, Florida Statutes, is amended to read:

409.814 Eligibility.—A child who has not reached 19 years of age whose family income is equal to or below 200 percent of the federal poverty level is eligible for the Florida Kidcare program as provided in this section. For enrollment in the Children's Medical Services Network, a complete application includes the medical or behavioral health screening. If, subsequently, an individual is determined to be ineligible for coverage, he or she must immediately be disenrolled from the respective Florida Kidcare program component.

(5) A child whose family income is above 200 percent of the federal poverty level or a child who is excluded under the provisions of subsection (4) may participate in the Medikids program as provided in s. 409.8132 or, if the child is ineligible for Medikids by reason of age, in the Florida Healthy Kids program, subject to the following provisions:

(a) The family is not eligible for premium assistance payments and must pay the full cost of the premium, including any administrative costs.

~~(b) The agency is authorized to place limits on enrollment in Medikids by these children in order to avoid adverse selection. The number of children participating in Medikids whose family income exceeds 200 percent of the federal poverty level must not exceed 10 percent of total enrollees in the Medikids program.~~

~~(b)(e) The board of directors of the Florida Healthy Kids Corporation may is authorized to place limits on enrollment of these children in order to avoid adverse selection. In addition, the board is authorized to offer a reduced benefit package to these children in order to limit program costs for such families. The number of children participating in the Florida Healthy Kids program whose family income exceeds 200 percent of the federal poverty level must not exceed 10 percent of total enrollees in the Florida Healthy Kids program.~~

And the title is amended as follows:

On line(s) 51, after the first semicolon (;) insert: amending s. 409.814, F.S.; revising the eligibility requirements for participation in the Medikids program or the Florida Healthy Kids program; deleting certain limitations;

Amendment 4 (809004)(with title amendment)—Between line(s) 343 and 344 insert:

Section 5. Effective upon this act becoming a law and applicable to policies issued or renewed on or after that date, paragraph (v) of subsection (3) of section 627.6699, Florida Statutes, is amended to read:

627.6699 Employee Health Care Access Act.—

(3) DEFINITIONS.—As used in this section, the term:

(v) “Small employer” means, in connection with a health benefit plan with respect to a calendar year and a plan year, any person, sole proprietor, self-employed individual, independent contractor, firm, corporation, partnership, or association that is actively engaged in business, has its principal place of business in this state, employed an average of at least 1 but not more than 50 eligible employees on business days during the preceding calendar year, *the majority of whom were employed within this state, and* employs at least 1 employee on the first day of the plan year, *and is not formed primarily for the purpose of purchasing health insurance. In determining the number of eligible employees, companies that are an affiliated group as defined in s. 1504(a) of the Internal Revenue Code shall be considered one employer.* For purposes of this section, a sole proprietor, an independent contractor, or a self-employed individual is considered a small employer only if all of the conditions and criteria established in this section are met.

And the title is amended as follows:

On line(s) 54, after the semicolon (;) insert: amending s. 627.6699, F.S.; redefining the term “small employer” for purposes of the Employee Health Care Access Act;

Pursuant to Rule 4.19, **CS for CS for SB 2534** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater, by unanimous consent—

CS for CS for SB's 2860 and 1196—A bill to be entitled An act relating to insurance; amending s. 215.5595, F.S.; revising legislative findings with respect to the Insurance Capital Build-Up Incentive Program and the appropriation of state funds for surplus notes issued by residential property insurers; revising the conditions and requirements for providing funds to insurers under the program; requiring a commitment by the insurer to meet minimum premium-to-surplus writing ratios for residential property insurance, for taking policies out of Citizens Property Insurance Corporation, and for maintaining certain surplus and reinsurance; establishing deadlines for insurers to apply for funds; authorizing the State Board of Administration to charge a late fee for payment of remittances; requiring the board to submit semiannual reports to the Legislature regarding the program; providing that amendments made by the act do not affect the terms of surplus notes approved prior to a specified date, but authorizing the board and an insurer to renegotiate such terms consistent with such amendments; requiring the board to transfer to Citizens Property Insurance Corporation any funds that have not been reserved for insurers approved to receive such funds under the program, from the funds that were appropriated from Citizens; requiring the board to transfer to Citizens interest and principal payments to Citizens Property Insurance Corporation for surplus note funded from appropriations from Citizens; requiring Citizens to deposit such funds into accounts from which appropriations were made; amending s. 542.20, F.S.; subjecting the business of insurance to the Florida Antitrust Act; limiting enforcement to actions by the Attorney General or a state attorney; providing exceptions; amending s. 624.3161, F.S.; authorizing the Office of Insurance Regulation to require an insurer to file its claims handling practices and procedures as a public record based on findings of a market conduct examination; amending s. 624.4211, F.S.; increasing the maximum amounts of administrative fines that may be imposed upon an insurer by the Office of Insurance Regulation for nonwillful and willful violations of an order or rule of the office or any provision of the Florida Insurance Code; authorizing the office to impose a fine for each day of noncompliance up to a maximum amount; providing factors to consider when determining the amount of the fine; creating s. 624.4213, F.S.; specifying requirements for submission of a document or information to the Office of Insurance Regulation or the Department of Financial Services in order for a person to claim that the document is a trade secret; requiring each page or portion to be labeled as a trade secret and be separated from non-trade secret material; requiring the submitting party to include an affidavit certifying certain information

about the documents claimed to be trade secrets; requiring the office or department to notify persons who submit trade secret documents of any public-records request and the opportunity to file a court action to bar disclosure; specifying conditions for the office to retain or release such documents; requiring an award of attorney's fees against a person who certified a document as trade secret if a court or administrative tribunal finds that the document is not a trade secret; amending s. 626.9521, F.S.; increasing the maximum fines that may be imposed by the office or department for nonwillful and willful violations of state law regarding unfair methods of competition and unfair or deceptive acts or practices related to insurance; amending s. 626.9541, F.S.; prohibiting an insurer from considering certain factors when evaluating or adjusting a property insurance claim; prohibiting an insurer from failing to pay undisputed amounts of benefits owed under a property insurance policy within a certain period; amending s. 627.062, F.S.; requiring that an insurer seeking a rate for property insurance that is greater than the rate most recently approved by the Office of Insurance Regulation make a “file and use” filing for all such rate filings made after a specified date; revising the factors the office must consider in reviewing a rate filing; prohibiting the Office of Insurance Regulation from disapproving as excessive a rate solely because the insurer obtained reinsurance covering a specified probably maximum loss; allowing the office to disapprove a rate as excessive within 1 year after the rate has been approved under certain conditions related to nonrenewal of policies by the insurer; requiring the Division of Administrative Hearings to expedite a hearing request by an insurer and for the administrative law judge to commence the hearing within a specified time; establishing time limits for entry of a recommended order, for parties to submit written exceptions, and for the office to enter a final order, subject to waiver by all parties; authorizing an insurer to request an expedited appellate review pursuant to the Florida Rules of Appellate Procedure; expressing legislative intent for an expedited appellate review; requiring an administrative law judge in a hearing on an insurance rate to grant a continuance if requested by a party due to receiving additional information that was not previously available; deleting provisions relating to the submission of a disputed rate filing, other than a rate filing for medical malpractice insurance, to an arbitration panel in lieu of an administrative hearing if the rate is filed before a specified date; requiring certain officers and the chief actuary of a property insurer to certify certain information as part of a rate filing, subject to the penalty of perjury; amending s. 627.0613, F.S.; deleting cross-references to conform to changes made by the act; amending s. 627.0628, F.S.; requiring that with respect to rate filings, insurers must use actuarial methods or models found to be accurate or reliable by the Florida Commission on Hurricane Loss Projection Methodology; deleting the requirement for the Office of Insurance Regulation and the Consumer Advocate to have access to all assumptions of a hurricane loss model in order for a model that has been found to be accurate and reliable by the Florida Commission on Hurricane Loss Projection Methodology to be admissible in a rate proceeding; deleting cross-references to conform to changes made by the act; amending s. 627.0629, F.S.; requiring that the Office of Insurance Regulation develop and make publicly available before a specified deadline a proposed method for insurers to establish windstorm mitigation premium discounts that correlate to the uniform home rating scale; requiring that the Financial Services Commission adopt rules before a specified deadline; requiring insurers to make rate filings pursuant to such method; authorizing the commission to make changes by rule to the uniform home grading scale and specify by rule the minimum required discounts, credits, or other rate differentials; requiring that such rate differentials be consistent with generally accepted actuarial principles and wind loss mitigation studies; amending s. 627.351, F.S., relating to Citizens Property Insurance Corporation; deleting a provision to conform to changes made in the act; deleting provisions defining the terms “homestead property” and “nonhomestead property”; deleting a provision providing for the classification of certain dwellings as “nonhomestead property”; deleting provisions making dwellings and condominium units that have a replacement cost above a specified value ineligible for coverage after a specified date; requiring certain structures to have opening protections as a condition of eligibility for coverage after a specified date; requiring that the corporation cease issuance of new wind-only coverage beginning on a specified date; deleting outdated provisions requiring the corporation to submit a report for approval of offering multiperil coverage; revising threshold amounts of deficits incurred in a calendar year on which the decision to levy assessments and the types of such assessments are based; revising the formula used to calculate shares of assessments owed by certain assessable insureds; requiring that the board of governors make certain determinations before levying emergency assessments; providing the board of governors with discretion to set the amount of an emergency

assessment within specified limits; requiring the board of governors to levy a Citizens policyholder surcharge under certain conditions; deleting a provision requiring the levy of an immediate assessment against certain policyholders under such conditions; requiring that funds collected from the levy of such surcharges be used for certain purposes; providing that such surcharges are not considered premium and are not subject to commissions, fees, or premium taxes; requiring that the failure to pay such surcharges be treated as failure to pay premium; requiring that the amount of any assessment or surcharge which exceeds the amount of deficits be remitted to and used by the corporation for specified purposes; deleting provisions requiring that the plan of operation of the corporation provide for the levy of a Citizens policyholder surcharge if regular deficit assessments are levied as a result of deficits in certain accounts; deleting provisions related to the calculation, classification, and nonpayment of such surcharge; requiring that the corporation make an annual filing for each personal or commercial line of business it writes, beginning on a specified date; limiting the overall average statewide premium increase and the increase for an individual policyholder to a specified amount for rates established for certain policies during a specified period; deleting a provision requiring an insurer to purchase bonds that remain unsold; requiring the corporation to make its database of policies available to prospective take-out insurers under certain conditions; requiring the corporation to require agents to accept or decline appointment for any policy selected; requiring the corporation to notify the policyholder of certain information if an insurer selected his or her policy for a take-out offer but the policyholder's agent refused to be appointed; deleting provisions requiring the corporation to make certain confidential underwriting and claims files available to agents to conform to changes made by the act relating to ineligibility of certain dwellings; amending s. 627.4133, F.S.; increasing the required time period for an insurer to notify a policyholder of cancellation or nonrenewal of a personal lines or commercial residential property insurance policy; making conforming changes; creating s. 689.262, F.S.; requiring a purchaser of residential property to be presented with the windstorm mitigation rating of the structure; authorizing the Financial Services Commission to adopt rules; amending s. 817.2341, F.S.; providing for criminal penalties to be imposed under certain conditions against any person who willfully files a materially false or misleading rate filing; requiring Citizens Property Insurance Corporation to transfer funds to the General Revenue Fund Revenue Fund if the losses due to a hurricane do not exceed a specified amount; requiring the board of governors of Citizens Property Insurance Corporation to make a reasonable estimate of such losses by a certain date; making nonrecurring appropriations for purposes of the Insurance Capital Build-Up Incentive Program established pursuant to s. 215.5595, F.S., as amended by the act; authorizing costs and fees to be paid from funds appropriated, subject to specified limitations; providing effective dates.

—was taken up out of order and read the second time by title.

Senator Lawson moved the following amendment which failed:

Amendment 1 (657858)(with title amendment)—Delete line(s) 460-478 and renumber subsequent sections.

And the title is amended as follows:

Delete lines 30-33 and insert: were made; amending s.

Senators Atwater and Geller offered the following amendment which was moved by Senator Geller and adopted:

Amendment 2 (057950)—Delete line 478 and insert: *Office of Insurance Regulation, and does not prohibit any person from engaging in acts expressly allowed by the Florida Insurance Code, including, but not limited to, those listed in s. 627.314.*

Senator Lawson moved the following amendments which failed:

Amendment 3 (220964)(with title amendment)—Delete line(s) 497-551 and insert:

Section 4. Subsections (2) and (3) of section 624.4211, Florida Statutes, are amended to read:

624.4211 Administrative fine in lieu of suspension or revocation.—

(2) With respect to any nonwillful violation, such fine *may* ~~shall~~ not exceed \$5,000 ~~\$2,500~~ per violation. In no event shall such fine exceed an

aggregate amount of ~~\$20,000~~ ~~\$10,000~~ for all nonwillful violations arising out of the same action. ~~If~~ ~~When~~ an insurer discovers a nonwillful violation, the insurer shall correct the violation and, if restitution is due, make restitution to all affected persons. Such restitution shall include interest at 12 percent per year from either the date of the violation or the date of inception of the affected person's policy, at the insurer's option. The restitution may be a credit against future premiums due provided that the interest *accumulates* ~~shall accumulate~~ until the premiums are due. If the amount of restitution due to any person is \$50 or more and the insurer wishes to credit it against future premiums, it shall notify such person that she or he may receive a check instead of a credit. If the credit is on a policy *that* ~~which~~ is not renewed, the insurer shall pay the restitution to the person to whom it is due.

(3) With respect to any knowing and willful violation of a lawful order or rule of the office or commission or a provision of this code, the office may impose a fine upon the insurer in an amount not to exceed ~~\$40,000~~ ~~\$20,000~~ for each such violation. In no event shall such fine exceed an aggregate amount of ~~\$200,000~~ ~~\$100,000~~ for all knowing and willful violations arising out of the same action. In addition to such fines, ~~the~~ ~~such~~ insurer shall make restitution when due in accordance with the ~~provisions of~~ subsection (2).

And the title is amended as follows:

Delete line(s) 40-45 and insert: by the Office of Insurance Regulation for nonwillful and willful violations of an order or rule of the office or any provision of the Florida Insurance Code; creating s. 624.4213,

Amendment 4 (667898)(with title amendment)—Delete line(s) 630-680 and renumber subsequent sections.

And the title is amended as follows:

Delete line(s) 66-71 and insert: or practices related to insurance; amending s.

Senators Atwater and Geller offered the following amendment which was moved by Senator Geller and adopted:

Amendment 5 (144270)—Delete line(s) 767-773 and insert:

~~12.11.~~ A reasonable margin for underwriting profit and contingencies. ~~For that portion of the rate covering the risk of hurricanes and other catastrophic losses for which the insurer has not purchased reinsurance and has exposed its capital and surplus to such risk, the office must approve a rating factor that provides the insurer a reasonable rate of return that is commensurate with such risk.~~

Senator Lawson moved the following amendment which failed:

Amendment 6 (340788)(with title amendment)—Delete lines 1645-1701 and insert:

5. Effective January 1, 2009, a personal lines residential structure that has a dwelling replacement cost of \$1 million or more, or a single condominium unit that has a combined dwelling and content replacement cost of \$1 million or more is not eligible for coverage by the corporation. Such dwellings insured by the corporation on December 31, 2008, may continue to be covered by the corporation until the end of the policy term. However, such dwellings that are insured by the corporation and become ineligible for coverage due to the provisions of this subparagraph may reapply and obtain coverage in the high-risk account and be considered "nonhomestead property" if the property owner provides the corporation with a sworn affidavit from one or more insurance agents, on a form provided by the corporation, stating that the agents have made their best efforts to obtain coverage and that the property has been rejected for coverage by at least one authorized insurer and at least three surplus lines insurers. If such conditions are met, the dwelling may be insured by the corporation for up to 3 years, after which time the dwelling is ineligible for coverage. The office shall approve the method used by the corporation for valuing the dwelling replacement cost for the purposes of this subparagraph. If a policyholder is insured by the corporation prior to being determined to be ineligible pursuant to this subparagraph and such policyholder files a lawsuit challenging the determination, the policyholder may remain insured by the corporation until the conclusion of the litigation.

6. For properties constructed on or after January 1, 2009, the corporation may not insure any property located within 2,500 feet landward

of the coastal construction control line created pursuant to s. 161.053 unless the property meets the requirements of the code-plus building standards developed by the Florida Building Commission.

7. It is the intent of the Legislature that policyholders, applicants, and agents of the corporation receive service and treatment of the highest possible level but never less than that generally provided in the voluntary market. It also is intended that the corporation be held to service standards no less than those applied to insurers in the voluntary market by the office with respect to responsiveness, timeliness, customer courtesy, and overall dealings with policyholders, applicants, or agents of the corporation.

8. Effective January 1, 2009, a personal lines residential structure that is located in the "wind-borne debris region," as defined in s. 1609.2, International Building Code (2006), and that has an insured value on the structure of \$750,000 or more is not eligible for coverage by the corporation unless the structure has opening protections as required under the Florida Building Code for a newly constructed residential structure in that area. A residential structure shall be deemed to comply with the requirements of this subparagraph if it has shutters or opening protections on all openings and if such opening protections complied with the Florida Building Code at the time they were installed. *Effective January 1, 2011, the requirements of this subparagraph apply to a personal lines residential structure that is located in the wind-borne debris region and that has an insured value on the structure of \$500,000 or more.*

And the title is amended as follows:

Delete lines 136-139 and insert: dwellings as "nonhomestead property"; requiring certain

Senators Posey and Constantine offered the following amendment which was moved by Senator Constantine and adopted:

Amendment 7 (109972)(with title amendment)—Delete line(s) 1671-1686 and insert:

~~6.—For properties constructed on or after January 1, 2009, the corporation may not insure any property located within 2,500 feet landward of the coastal construction control line created pursuant to s. 161.053 unless the property meets the requirements of the code-plus building standards developed by the Florida Building Commission.~~

3.7. It is the intent of the Legislature that policyholders, applicants, and agents of the corporation receive service and treatment of the highest possible level but never less than that generally provided in the voluntary market. It also is intended that the corporation be held to service standards no less than those applied to insurers in the voluntary market by the office with respect to responsiveness, timeliness, customer courtesy, and overall dealings with policyholders, applicants, or agents of the corporation.

4.8. Effective January 1, 2009, a personal lines

And the title is amended as follows:

Delete line 139 and insert: coverage after a specified date; deleting requirements for certain properties to meeting building code plus requirements as a condition of eligibility for coverage by the corporation; requiring certain

Senator Posey offered the following amendment which was moved by Senator Atwater:

Amendment 8 (121376)(with title amendment)—Between lines 2833 and 2834, insert:

Section 14. Effective January 1, 2009, section 627.714, Florida Statutes, is created to read:

627.714 Guaranteed renewability for mitigated homes.—A personal lines residential insurance policy shall be guaranteed renewable for at least 3 years if the dwelling has been built or retrofitted to meet the wind-borne-debris protection requirements of the Florida Building Code which apply to the wind-borne-debris region as defined in the Florida Building Code. The requirements of this section apply to:

(1) *New policies issued on or after January 1, 2009, or the first renewal of a policy on or after January 1, 2009, but do not apply to subsequent renewals of such policies, except as provided in subsection (2).*

(2) *Policies renewed on or after October 1, 2008, for a dwelling retrofitted after issuance of the policy to meet such requirements of the Florida Building Code, in which case the policy shall be guaranteed renewable for 3 years beginning with the effective date of renewal after the retrofitting was completed.*

And the title is amended as follows:

On line 194, after the second semicolon (;) insert: creating s. 627.714, F.S.; requiring that personal lines residential policies be guaranteed renewable for a specified period if the dwelling meets certain wind-borne-debris protection requirements; providing for applicability;

MOTION

On motion by Senator Atwater, the rules were waived to allow the following amendment to be considered:

Senators Posey and Atwater offered the following substitute amendment which was moved by Senator Atwater and adopted:

Amendment 9 (148110)(with title amendment)—Between line(s) 2833 and 2834, insert:

Section 14. Effective January 1, 2009, and applicable to policies issued or renewed on or after that date, section 627.714, Florida Statutes, is created to read:

627.714 Guaranteed renewability for mitigated homes.—A personal lines residential insurance policy shall be guaranteed renewable for at least 3 years if the dwelling has been built or retrofitted to meet the wind-borne-debris protection requirements of the Florida Building Code which apply to the wind-borne debris region as defined in the Florida Building Code. This requirement applies only for one 3-year period after the policy is issued or first renewed after the dwelling has been built or retrofitted to meet the wind-borne-debris protection requirements.

And the title is amended as follows:

On line(s) 194, after the second semicolon (;) insert: creating s. 627.714, F.S.; requiring that personal lines residential policies be guaranteed renewable for a specified period if the dwelling meets certain requirements for wind-borne debris protection;

MOTION

On motion by Senator Geller, the rules were waived to allow the following amendment to be considered:

Senators Geller and Atwater offered the following amendment which was moved by Senator Geller and adopted:

Amendment 10 (185462)(with title amendments)—Between lines 612 and 613 insert:

Section 6. Section 624.4305, Florida Statutes, is created to read:

624.4305 Nonrenewal of residential property insurance policies.—

(1) *Any insurer planning to nonrenew more than 10,000 residential property insurance policies in this state within a 12-month period shall give notice in writing to the Office of Insurance Regulation 90 days before the issuance of any notices of nonrenewal. The notice provided to the office must set forth the insurer's reasons for such action, the effective dates of nonrenewal, and any arrangements made for other insurers to offer coverage to affected policyholders.*

(2) *An insurer may not issue a notice of nonrenewal to policyholders unless the office approves or fails to disapprove the nonrenewal plan within 90 days after the date on which it receives the notice from the insurer. The office may not approve the plan unless it finds that the insurer has staggered the nonrenewals over a reasonable period relative to the number of nonrenewals, or has made arrangements for offers of replacement coverage. The office may not require that the effective dates of nonrenewal be staggered over a period longer than 24 months unless the insurer is nonrenewing more than 100,000 policies, in which case the office may not require that the effective dates of nonrenewal be staggered over a period longer than 36 months. If the insurer has arranged for an offer of coverage to be made to an affected policyholder by an authorized insurer, the office may not restrict or disapprove the nonrenewal of such policy beyond what is required by law.*

And the title is amended as follows:

On line 61, after the semicolon (;) insert: creating s. 624.4305, F.S.; requiring that an insurer planning to nonrenew more than a specified number of residential property insurance policies notify the Office of Insurance Regulation and obtain approval for such nonrenewals; specifying procedures for issuance of such notice; prohibiting the office from approving a nonrenewal plan unless it determines that the insurer has met certain conditions; prohibiting the office from requiring certain actions; limiting the ability of the office to disapprove or restrict nonrenewal of certain policies under certain conditions;

MOTION

On motion by Senator Baker, the rules were waived to allow the following amendment to be considered:

Senator Baker moved the following amendment which was adopted:

Amendment 11 (342988)—Delete line(s) 2684-2688 and insert: *corporation must require agents to accept or decline appointment or a contract with the insurer for any policy selected and, in the case of a declination, must notify the policyholder that an insurer, identified by name, selected his or her policy for a take-out offer, but that the policyholder's agent did not accept an appointment or contract with the insurer. The*

Pursuant to Rule 4.19, **CS for CS for SB's 2860 and 1196** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders, by unanimous consent—

CS for CS for SB 1302—A bill to be entitled An act relating to wastewater disposal; amending s. 373.0361, F.S., relating to regional water supply planning; requiring the South Florida Water Management District to include water supply development projects that promote the elimination of ocean outfalls in its regional water supply plan; amending s. 373.0831, F.S., relating to water resource and supply development; providing for projects that implement reuse as a means of eliminating ocean outfalls to receive priority funding consideration; amending s. 373.1961, F.S., relating to funding for water supply projects; providing priority funding for projects that implement reuse that assists with the elimination of ocean outfalls; amending s. 373.250, F.S., relating to the reuse of reclaimed water; directing the South Florida Water Management District to require the use of reclaimed water made available through the elimination of ocean outfalls under certain conditions; amending s. 403.085, F.S., relating to waste water treatment; prohibiting the construction of new ocean outfalls; prohibiting the use of ocean outfalls as a method of sanitary sewage disposal; amending s. 403.086, F.S., relating the treatment of wastewater; providing legislative intent; prohibiting the new construction of an expanded discharge to ocean outfalls; requiring that domestic wastewater discharges to ocean outfalls meet advanced wastewater treatment and management requirements by a date certain; providing an exemption from meeting advanced wastewater treatment and management requirements under specific conditions; providing wastewater reuse requirements for facilities that discharge through ocean outfalls by a date certain; providing prohibitions for the discharge of domestic wastewater through ocean outfalls under specific conditions by a date certain; providing reporting requirements for permitted ocean outfall facilities; providing reporting requirements for the Department of Environmental Protection; providing a compliance schedule for facilities discharging through ocean outfalls; amending s. 403.1835, F.S., relating to water pollution control financial assistance; providing for the inclusion of domestic wastewater ocean outfalls in laws requiring the elimination of discharges to specific water bodies; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Geller moved the following amendment which was adopted:

Amendment 1 (168648)(with title amendment)—On line(s) 256, after the period (.) insert: *For purposes of this subsection, the term "facility's actual flow on an annual basis" means the annual average flow of domestic wastewater discharging through the facility's ocean outfall, as determined by the department, using monitoring data available for calendar years 2003 through 2007.*

And the title is amended as follows:

On line(s) 25, after the semicolon (;) insert: defining the term "facility's actual flow on an annual basis";

MOTION

On motion by Senator Saunders, the rules were waived to allow the following amendment to be considered:

Senator Saunders moved the following amendment which was adopted:

Amendment 2 (323348)(with title amendments)—Between line(s) 327 and 328 insert:

Section 7. Section 403.08601, Florida Statutes, is created to read:

403.08601 Leah Schad Memorial Ocean Outfall Program.—

The Legislature declares that as funds become available the state may assist the local governments and agencies responsible for implementing the Leah Schad Memorial Ocean Outfall Program pursuant to s. 403.086 (9). Funds received from other sources provided for in law, the General Appropriations Act, from gifts designated for implementation of the plan from individuals, corporations, or other entities, or federal funds appropriated by Congress for implementation of the plan, may be deposited into an account of the Ecosystem Management and Restoration Trust Fund created pursuant to s. 403.1651.

Section 8. Subsection (1) of section 403.1651, Florida Statutes, is amended to read:

403.1651 Ecosystem Management and Restoration Trust Fund.—

(1) There is created the Ecosystem Management and Restoration Trust Fund to be administered by the Department of Environmental Protection for the purposes of:

(a) Funding the detailed planning for and implementation of programs for the management and restoration of ecosystems.

(b) Funding the development and implementation of surface water improvement and management plans and programs under ss. 373.451-373.4595.

(c) Funding activities to restore polluted areas of the state, as defined by the department, to their condition before pollution occurred or to otherwise enhance pollution control activities.

(d) Funding activities to restore or rehabilitate injured or destroyed coral reefs.

(e) Funding activities by the department to recover moneys as a result of actions against any person for a violation of chapter 373.

(f) *Funding activities authorized for the implementation of the Leah Schad Memorial Ocean Outfall Program implemented in s. 403.086(9).*

(Renumber subsequent sections.)

And the title is amended as follows:

Between line(s) 38 and 39 insert: creating s. 403.08601, F.S., establishing the Leah Schad Memorial Ocean Outfall Program; establishing a funding mechanism and providing a statutory cross reference; amending s. 403.1651, F.S.; providing a dedicated account within the Ecosystem Management and Restoration Trust Fund;

MOTION

On motion by Senator Rich, the rules were waived to allow the following amendment to be considered:

Senator Rich moved the following amendment which was adopted:

Amendment 3 (262040)—

On line(s) 254, after the semicolon (;) insert: *aquifer recharge;*

Pursuant to Rule 4.19, **CS for CS for SB 1302** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR STORMS PRESIDING

CS for CS for SB 610—A bill to be entitled An act relating to physical education; amending s. 1003.455, F.S.; requiring physical education in grades 6 through 8; providing for waivers under certain circumstances; requiring school districts to notify parents of the waiver options; providing an effective date.

—was read the second time by title.

On motion by Senator Constantine, further consideration of **CS for CS for SB 610** was deferred.

Pursuant to the motion by Senator King, the hour of 11:30 a.m. having arrived, the Senate proceeded to consideration of the claim bills on the Special Order Calendar.

By Senator Deutch—

SB 38—A bill to be entitled An act relating to Memorial Healthcare System of Broward, Inc., d/b/a Memorial Regional Hospital; providing for the relief of Janaria Miller, a minor child, to compensate her for injuries sustained as a result of the negligence of employees of the hospital; providing an appropriation; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 38** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 40** was deferred.

By Senator Joyner—

SB 54—A bill to be entitled An act relating to the Orange County School Board; providing for the relief of Daniel Decembre, a minor, by and through his parents and natural guardians, Desnar and Mignone Decembre; providing for an appropriation to compensate Daniel for injuries and damages he sustained as a result of negligence by agents and employees of the school board; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 54** was placed on the calendar of Bills on Third Reading.

By Senator Wilson—

SB 40—A bill to be entitled An act relating to the Miami-Dade County School Board; providing for the relief of Maria Gough and Jorge Gough, parents and natural guardians of Jaime Gough, a minor, and of Jorge Gough, as personal representative of the estate of Jaime Gough, for the wrongful death of their son, which was due in part to the school board's negligent failure to prevent foreseeable violence on school grounds; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 40** was placed on the calendar of Bills on Third Reading.

By Senator Ring—

SB 60—A bill to be entitled An act relating to the South Broward Hospital District; providing for the relief of Adrian Fuentes, a minor, by and through his parents and natural guardians, Luz Fuentes and Jose Fuentes; providing for an appropriation to compensate him for injuries and damages sustained as a result of the negligence of the South Broward Hospital District, d/b/a Memorial Hospital Primary Care Center; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 60** was placed on the calendar of Bills on Third Reading.

By Senator Dean—

CS for SB 68—A bill to be entitled An act for the relief of Tyler Giblin, a minor, by and through Gina and Mark Giblin, parents of Tyler Giblin; providing for an appropriation by the Munroe Regional Health System, Inc., to compensate Tyler for injuries sustained as a result of the negligence of the hospital; providing for the use of funds; providing a limitation on the payment of fees and costs; providing for payment of unreimbursed medical costs to the Agency for Health Care Administration; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 68** was placed on the calendar of Bills on Third Reading.

By Senator Baker—

SB 50—A bill to be entitled An act relating to the City of Lake Worth; providing for the relief of Lisa Freeman-Salazar and Andy Salazar, individually and as co-personal representatives of the estate of Alexandria Salazar, deceased, for the death of Alexandria Salazar due to the negligence of the City of Lake Worth; providing for an appropriation; providing for attorney's fees and costs; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 50** was placed on the calendar of Bills on Third Reading.

By Senator Aronberg—

SB 56—A bill to be entitled An act relating to Miami-Dade County; providing for the relief of Schneidine Theogene, a minor, by and through her parent and natural guardian, Jeanne Coicou, to compensate Schneidine for injuries sustained as a result of the negligence of a Miami-Dade County bus driver; providing for an appropriation; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 56** was placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine, the Senate resumed consideration of—

CS for CS for SB 610—A bill to be entitled An act relating to physical education; amending s. 1003.455, F.S.; requiring physical education in grades 6 through 8; providing for waivers under certain circumstances; requiring school districts to notify parents of the waiver options; providing an effective date.

—which was previously considered this day.

Senator Constantine moved the following amendment which was adopted:

Amendment 1 (165648)—Delete line(s) 34 and insert: *are at least 30 consecutive minutes per day. Beginning with the 2009-2010 school year, the equivalent of*

MOTION

On motion by Senator Constantine, the rules were waived to allow the following amendment to be considered:

Senators Constantine, King, Hill and Wise offered the following amendment which was moved by Senator Constantine and adopted:

Amendment 2 (940650)(with title amendment)—Insert on line 10:

Section 1. *This act may be cited as the “Don Davis Physical Education Act.”*

(Redesignate subsequent section.)

And the title is amended as follows:

On line 2, after the semicolon (;) insert: providing a short title;

Pursuant to Rule 4.19, **CS for CS for SB 610** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By Senator Wise—

CS for CS for SB 370—A bill to be entitled An act relating to the personal care attendant program; amending s. 413.402, F.S.; revising provisions governing a program to provide personal care attendants for persons who have disabilities; requiring the Florida Endowment Foundation for Vocational Rehabilitation to enter into an agreement by a certain date with the Florida Association of Centers for Independent Living to administer a program to provide such attendants to persons who have severe and chronic disabilities; requiring that the parties execute a memorandum of understanding; naming the program the “James Patrick Memorial Work Incentive Personal Attendant Services Program”; providing for payment for the administration of the program; removing a provision requiring interagency memoranda of agreement; revising eligibility requirements for participation in the personal care attendant program; removing provisions concerning the training, selection, and recruitment of personal care attendants; providing for training of program participants concerning hiring and managing an attendant; providing for the adoption and revision of program policies and procedures by the association in cooperation with an oversight group; providing for membership in the oversight group; amending s. 413.4021, F.S.; increasing the percentage of revenues collected from persons who fail to remit sales tax which is deposited in the special reserve account of the Florida Endowment Foundation for Vocational Rehabilitation to administer the program; deleting a provision requiring that the Florida Endowment Foundation for Vocational Rehabilitation select an entity to administer the program; providing for automatic enrollment in the program for certain persons; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 370** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 1374** and **CS for SB 2366** was deferred.

By Senator Saunders—

CS for CS for SB 1648—A bill to be entitled An act relating to human immunodeficiency virus testing; amending s. 381.004, F.S.; requiring that when consent cannot be obtained within the time necessary to conduct an HIV test on an individual and begin prophylactic treatment of exposed medical personnel, the results of the HIV test shall be documented only in the medical file of the medical personnel and not in the medical file of the patient unless he or she gives consent; authorizing appropriate medical personnel under the supervision of a licensed physician to make the decision to test under these conditions; requiring those

personnel to document the significant exposure requiring the HIV testing without valid consent in accordance with written protocol based on the medical judgment of a licensed physician; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1648** was placed on the calendar of Bills on Third Reading.

By Senator Garcia—

CS for SB 2366—A bill to be entitled An act relating to medical faculty certificates; amending s. 458.3145, F.S.; authorizing additional universities to employ medical faculty certificateholders; providing a limitation on the number of certificateholders per university; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2366** was placed on the calendar of Bills on Third Reading.

By Senator Jones—

CS for SB 1370—A bill to be entitled An act relating to the Florida Patient Safety Corporation; amending s. 381.0271, F.S.; authorizing a representative appointed by the Florida Council of Medical School Deans to serve on the board of directors of the corporation; deleting provisions requiring that the corporation establish specific advisory committees; authorizing the corporation to create and dissolve advisory committees upon a majority vote of the board of directors; deleting obsolete organizational provisions; requiring that the corporation’s board of directors conduct quarterly meetings; requiring the Agency for Health Care Administration to make available adverse incident reports to designated agents of the Florida Patient Safety Corporation; requiring the corporation to evaluate the effects of the sharing of electronic records on patient safety; requiring the corporation to encourage the use of evidence-based medicine; deleting responsibilities related to the provision of access to a library of evidence-based medicine and patient safety practices; requiring a plan for the implementation of patient safety technologies; deleting obsolete provisions and reporting requirements; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1370** was placed on the calendar of Bills on Third Reading.

RECONSIDERATION OF BILL

On motion by Senator Geller, the Senate recalled—

CS for CS for SB 1716—A bill to be entitled An act relating to postsecondary education; amending s. 1000.21, F.S.; redesignating the names of certain community colleges as colleges; creating s. 1001.60, F.S., relating to the Florida College System; providing system purposes; defining the system as comprised of the public postsecondary educational institutions that grant 2-year and 4-year academic degrees; providing limitations; authorizing a name change under certain conditions; providing for institutions within the Florida College System to be governed by local boards of trustees; providing membership for the boards; creating s. 1004.87, F.S.; creating the Florida College System Task Force for the purpose of developing recommendations for the transition of community colleges to baccalaureate-degree-granting colleges; providing for membership and appointments; providing duties of the task force and reporting requirements; providing for the task force to be dissolved unless extended by general law; creating s. 1004.875, F.S.; creating the State College Pilot Project for the purpose of recommending to the Legislature an approval process for the transition of certain community colleges to state colleges; designating certain institutions to participate in the project; providing duties and reporting requirements for the institutions; providing an effective date.

—for further consideration.

RECONSIDERATION OF AMENDMENT

On motion by Senator Geller, the Senate reconsidered the vote by which **Amendment 2 (041312)** was adopted.

MOTION

On motion by Senator Alexander, the rules were waived to allow the following amendment to be considered:

Senators Alexander, Dockery and Geller offered the following substitute amendment which was moved by Senator Alexander and adopted:

Amendment 3 (266752)(with directory and title amendments)—Delete line(s) 37-182 and insert:

- (b) Broward ~~Community~~ College.
- (e) Daytona Beach ~~Community~~ College.
- (k) Indian River ~~Community~~ College.
- (u) Polk ~~Community~~ College.

Section 2. Section 1001.60, Florida Statutes, is created to read:

1001.60 Florida College System.—

(1) **PURPOSES.**—In order to maximize open access for students, respond to community needs for postsecondary academic education and career degree education, and provide associate and baccalaureate degrees that will best meet the state's employment needs, the Legislature establishes a system of governance for the Florida College System.

(2) **FLORIDA COLLEGE SYSTEM.**—There shall be a single Florida College System comprised of the public postsecondary educational institutions identified in s. 1000.21(3) which grant 2-year and 4-year academic degrees as provided by law. An institution within the Florida College System may not offer graduate degree programs.

(a) The programs and services offered by institutions in the Florida College System in providing associate and baccalaureate degrees shall be delivered in a cost-effective manner that demonstrates substantial savings to the student and to the state over the cost of providing the degree at a state university.

(b)1. With the approval of the institution's local board of trustees, an institution in the Florida College System may change the institution's name and use the designation "college" if it has been authorized to grant baccalaureate degrees pursuant to s. 1004.73 or s. 1007.33 or if it has received approval from the State Board of Education pursuant to this paragraph.

2. With the approval of an institution's local board of trustees, any institution in the Florida College System may request approval from the State Board of Education to change the institution's name and use the designation "college." The State Board of Education may approve the request if the institution enters into an agreement with the State Board of Education to do the following:

- a. Maintain as the institution's primary mission responsibility for responding to community needs for postsecondary academic education and career degree education as prescribed in s. 1004.65(6).
- b. Maintain an open-door admissions policy for associate-level degree programs and workforce education programs.
- c. Continue to provide outreach to underserved populations.
- d. Continue to provide remedial education.
- e. Comply with all provisions of the statewide articulation agreement which relate to 2-year and 4-year public degree-granting institutions as adopted by the State Board of Education pursuant to s. 1007.23.

(3) **LOCAL BOARDS OF TRUSTEES.**—Each institution within the Florida College System shall be governed by a local board of trustees as provided in s. 1001.64. The membership of each local board of trustees shall be as provided in s. 1001.61.

Section 3. Section 1004.87, Florida Statutes, is created to read:

1004.87 Florida College System Task Force.—

(1) *The Florida College System Task Force is established within the Division of Community Colleges of the Department of Education for the purpose of developing findings and issuing recommendations regarding the transition of community colleges to baccalaureate-degree-granting colleges and the criteria for establishing and funding state colleges.*

(2)(a) *All members of the task force must be appointed on or before August 31, 2008, and the task force shall hold its first meeting on or before September 15, 2008.*

(b) *The task force shall be comprised of 11 members appointed by the Commissioner of Education. The appointees shall include eight community college presidents, one state university president, the president of an institution that is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program, and one member at large. The community college presidents appointed to the task force may not include the presidents of the institutions named to participate in the State College Pilot Project. The community college presidents appointed to the task force must reflect the diversity of program offerings and service areas of the 28 community colleges and include representatives of community colleges that are authorized to grant baccalaureate degrees, community colleges that are not authorized to grant baccalaureate degrees, community colleges that have urban service areas, community colleges that have rural service areas, community colleges the service areas of which have populations of 500,000 or more, and community colleges the service areas of which have populations of fewer than 500,000. The Commissioner of Education shall be a voting member of the task force and the chair of the task force.*

(3) *The task force shall:*

(a) *Recommend a program-approval process for new baccalaureate degree programs that are designed to meet the employment needs of Florida, including approval as a baccalaureate-degree-granting community college and as a state college.*

(b) *Recommend a funding model that considers projected enrollment, adjustments for actual enrollment, program mix, and comparable support for similar programs across all institutions, including community colleges authorized by the State Board of Education to award baccalaureate degrees pursuant to s. 1007.33 and state colleges. The funding model must ensure that the programs and services offered by institutions in the Florida College System in providing associate and baccalaureate degrees are delivered in a cost-effective manner that demonstrates substantial savings to the student and to the state over the cost of providing the degree at a state university.*

(c) *Identify the areas, both geographic and academic, in which an increased number of graduates who have baccalaureate degrees are necessary in order to meet regional and statewide workforce needs.*

(d) *Monitor implementation of the State College Pilot Project.*

(e) *Recommend priorities and criteria for baccalaureate programs that may be offered without specific approval by the State Board of Education.*

(4) *Any recommendation from the task force to the Legislature requires approval by two-thirds of the membership of the task force.*

(5)(a) *Community colleges, state universities, the Commission for Independent Education, and the Agency for Workforce Innovation shall provide information and assistance to the task force.*

(b) *Independent postsecondary educational institutions, representatives of the business community, and other stakeholders are encouraged to provide the task force with information to assist the task force in its deliberations.*

(6) *The task force shall submit a report and recommendations to the Governor, the State Board of Education, the President of the Senate, and the Speaker of the House of Representatives by March 2, 2009. The report must include any comments from the task force regarding the final report resulting from the State College Pilot Project and any specific recommendations of the task force for legislative action during the 2009 Regular Session of the Legislature.*

(7) *The task force shall be dissolved effective June 30, 2010, prior to which time it shall issue its final report with recommended detailed criteria for establishing the Florida College System as a permanent part of the state system of higher education.*

Section 4. Section 1004.875, Florida Statutes, is created to read:

1004.875 *State College Pilot Project.*—

(1) *The Legislature finds it is in the best interest of the state to provide the residents of the state affordable access to baccalaureate degree programs that are designed to meet regional and statewide employment needs.*

(2)(a) *Beginning with the 2008-2009 fiscal year, the State College Pilot Project is created which shall be conducted as a pilot project by St. Petersburg College, Okaloosa-Walton College, Daytona Beach College, Miami Dade College, Indian River College, and Polk College in collaboration with the Florida College System Task Force. The purpose of the*

And the directory clause is amended as follows:

Delete line 30 and insert:

Section 1. Paragraphs (b), (e), (k), and (u) of subsection (3) of

Pursuant to Rule 4.19, **CS for CS for SB 1716** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By Senator Jones—

CS for SB 2618—A bill to be entitled An act relating to public health; amending s. 381.006, F.S.; limiting application of the environmental health program of the Department of Health to state institutions for the mentally ill rather than all institutions used for the incarceration of prisoners and inmates; amending s. 381.86, F.S.; revising responsibilities of the Institutional Review Board; repealing s. 381.85, F.S., the Florida Biomedical and Social Research Act; repealing s. 381.895, F.S., relating to standards for compressed air used for recreational diving; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2618** was placed on the calendar of Bills on Third Reading.

By Senator Oelrich—

CS for CS for SB 2630—A bill to be entitled An act relating to organ and tissue donation; amending s. 765.203, F.S.; deleting a provision in the form that designates a health care surrogate that provides an exception for anatomical gifts; amending s. 765.512, F.S.; revising provisions for making an organ donation; adding additional persons to the list of persons who may donate a decedent's body; removing the provision prohibiting a spouse from making a donation if the decedent's adult son or daughter objects; amending s. 765.514, F.S.; providing additional mechanisms for making an anatomical gift including registering with the organ and tissue donor registry; revising the uniform donor card to specify the type of donation; deleting a statement of public policy that prohibits restrictions on who may receive an anatomical gift, a provision specifying who can accept a gift, and a provision designating a physician to carry out appropriate procedures; amending s. 765.515, F.S.; requiring the Department of Highway Safety and Motor Vehicles to inform the donor registry of instances of making an anatomical gift and of withdrawal of an anatomical gift; deleting a provision requiring the Agency for Health Care Administration and the department to maintain a donor registry; creating s. 765.5155, F.S.; providing legislative intent with respect to establishing an online organ and tissue donor registry; requiring administration of the donor registry to be procured by competitive solicitation; specifying the duties of the contractor including the operation of the registry, a continuing public education program about organ donation, and the preparation of an annual report; authorizing the agency to adopt rules relating to providing research access to the registry; providing for funding and for voluntary contributions to the registry; designating the donor registry as the "Joshua Abbott Organ and Tissue Donor Registry"; amending s. 765.516, F.S.; authorizing revocation of an

anatomical gift by a donor through removal of his or her name from the registry; amending s. 765.517, F.S.; revising provisions relating to verification of a donor's consent at death; amending s. 765.521, F.S.; conforming a cross-reference; amending s. 765.522, F.S.; revising duties of hospital administrators with respect to reporting suitable donor candidates at or near the time of death; updating references to organ procurement organizations; repealing s. 765.5215, F.S., relating to an education program relating to anatomical gifts; repealing s. 765.5216, F.S., relating to the organ and tissue donor education panel; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2630** was placed on the calendar of Bills on Third Reading.

By Senator Oelrich—

CS for SB 2610—A bill to be entitled An act relating to public records; creating s. 765.5155, F.S.; providing an exemption from public-records requirements for information in the organ and tissue donor registry which would identify a donor; providing an exception; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2610** was placed on the calendar of Bills on Third Reading.

By Senator Haridopolos—

CS for SB 1586—A bill to be entitled An act relating to corporate income tax; amending s. 220.03, F.S.; providing for the adoption of the 2008 version of the Internal Revenue Code; providing for exceptions to adoption; amending s. 220.13, F.S., relating to the determination of adjusted federal income; conforming provisions; amending ss. 220.241 and 220.33, F.S.; revising the due date for filing and paying estimated corporate income tax; authorizing the Department of Revenue to adopt rules; providing for retroactive application; providing effective dates.

—was read the second time by title.

Senator Haridopolos moved the following amendments which were adopted:

Amendment 1 (699014)—Delete line(s) 143 and insert: "estimated tax under this code shall be filed ~~on or~~ before the 1st"

Amendment 2 (765576)—Delete line(s) 160-167 and insert:

(1) If the declaration is required to be filed ~~on or~~ before the 1st first day of the 5th fifth month of the taxable year, the estimated tax shall be paid in four equal installments. The first installment shall be paid at the time of the required filing of the declaration; the second and third installments shall be paid ~~on or~~ before the 1st day of the 7th month and before the 1st day of the 10th month months of the taxable year, respectively; and the fourth installment shall be paid ~~on or~~ before the 1st day of

Amendment 3 (820200)—Insert between line(s) 176 and 177:

Section 3. (3) If the declaration is required to be filed ~~on or~~ before the 1st day of the 10th month of the taxable year, the estimated tax shall be paid in two equal installments: at the time of required filing of the declaration for such taxable year and ~~on or~~ before the 1st day of the next taxable year, respectively.

Pursuant to Rule 4.19, **CS for SB 1586** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By Senator Haridopolos—

CS for SB 1588—A bill to be entitled An act relating to property taxation; amending s. 193.114, F.S.; revising the requirements specify-

ing the information that must be included on the real property assessment roll and on the tangible personal property roll; amending s. 193.1142, F.S.; authorizing the executive director of the Department of Revenue to require that additional data be provided on the assessment rolls; requiring that assessment rolls be submitted in a format specified by the executive director; authorizing a property appraiser to use an alternative format in a case of hardship; specifying additional parcel-level data that may be required; amending s. 193.155, F.S.; revising provisions governing the manner in which homestead property may be assessed at less than just value; providing for calculating the assessment reduction that may be transferred from a prior homestead to a new homestead; requiring that notice of the abandonment of a homestead be in writing and delivered to the property appraiser before or at the time of filing a new application; providing procedures for the transfer of an assessment limitation from a previous homestead to a new homestead; authorizing property appraisers to share confidential tax information; authorizing a taxpayer to file an action in circuit court requiring a property appraiser to provide certain information; authorizing a taxpayer to file a petition with the value adjustment board; providing for a nonrefundable fee; authorizing a taxpayer to file for the transfer of an assessment limitation in a year subsequent to the first year following establishment of the new homestead; prohibiting a refund of taxes for previous years; providing requirements for hearings before the value adjustment board; amending ss. 193.1554 and 195.1555, F.S., relating to nonhomestead residential property and nonresidential real property; requiring that an increase in the value of property be apportioned among parcels under certain conditions; amending s. 193.1556, F.S.; requiring that a property owner notify the property appraiser of any change in ownership or control; amending s. 194.011, F.S.; providing procedures under which a taxpayer may object to an assessment of homestead property at less than just value; requiring that the value adjustment board in the previous county hear the matter if the taxpayer disagrees with the previous assessment; providing for an appeal in the taxpayer's new county under certain circumstances; requiring that the circuit court review decisions of the value adjustment boards under certain circumstances; amending s. 196.031, F.S.; specifying the order in which homestead exemptions are applied; amending s. 196.183, F.S.; clarifying the taxation of freestanding property; clarifying the meaning of the phrase "site where the owner of tangible personal property transacts business"; providing for previously assessed owners to qualify for the exemption without filing a return at the option of the property appraiser; requiring that property appraisers annually notify taxpayers of the duty to file a return if they no longer qualify for the exemption; amending s. 197.3632, F.S.; requiring that the tax collector provide certain additional information to the Department of Revenue concerning non-ad valorem assessments; amending s. 200.065, F.S.; clarifying the calculation of maximum millage beginning in the 2009-2010 fiscal year; amending s. 200.185, F.S.; clarifying the calculation of maximum millage for the 2008-2009 fiscal year; authorizing the Department of Revenue to adopt emergency rules; delaying the date by which applications for an assessment of property under s. 193.155(8), F.S., for 2008 must be submitted; requiring the Department of Revenue to report to the Legislature by a specified date on the effect of recent changes in the law governing tax notices and the assessment limitations and maximum millage limitations; providing for the Legislature to appropriate moneys to offset the reduction in ad valorem tax revenue experienced by fiscally constrained counties; requiring that counties apply to the Department of Revenue; specifying the documentation that must be provided to the department; providing a formula for calculating the reduction in ad valorem revenue; providing for application of the act; providing effective dates.

—was read the second time by title.

Senator Haridopolos moved the following amendments which were adopted:

Amendment 1 (330612)—Delete line(s) 322-327 and insert: or more such persons who were entitled to and received a homestead exemption on the abandoned property establish a new homestead that would otherwise be eligible for assessment under this subsection, each such person establishing a new homestead is entitled to a reduction from its just value for the new homestead equal to the just value of the prior homestead minus the assessed value of the prior homestead divided by the number of owners of the prior homestead who received a homestead exemption,

Amendment 2 (238948)(with title amendment)—Delete line(s) 342-483 and insert:

(e) For purposes of receiving an assessment reduction pursuant to this subsection, a person entitled to assessment under this section may abandon his or her homestead even though it remains his or her primary residence by notifying the property appraiser of the county where the homestead is located. This notification must be in writing and delivered at the same time as or before timely filing a new application for homestead exemption on the property.

(f)(e) In order to have his or her homestead property assessed under this subsection, a person must file a form provided by the department as an attachment to the application for homestead exemption. The form, which must include a sworn statement attesting to the applicant's entitlement to assessment under this subsection, shall be considered sufficient documentation for applying for assessment under this subsection. ~~provide to the property appraiser a copy of his or her notice of proposed property taxes for an eligible prior homestead or other similar documentation at the same time he or she applies for the homestead exemption, and must sign a sworn statement, on a form prescribed by the department, attesting to his or her entitlement to the assessment.~~ The department shall require by rule that the required form documentation be submitted with the application for homestead exemption application under the timeframes and processes set forth in chapter 196 to the extent practicable, and that the filing of the statement be supported by copies of such notices.

(g)1. If the previous homestead was located in a different county than the new homestead, the property appraiser in the county where the new homestead is located must transmit a copy of the completed form together with a completed application for homestead exemption to the property appraiser in the county where the previous homestead was located. If the previous homesteads of applicants for transfer were in more than one county, each applicant from a different county must submit a separate form.

2. The property appraiser in the county where the previous homestead was located must return information to the property appraiser in the county where the new homestead is located by April 1 or within 2 weeks after receipt of the completed application from that property appraiser, whichever is later. As part of the information returned, the property appraiser in the county where the previous homestead was located must provide sufficient information concerning the previous homestead to allow the property appraiser in the county where the new homestead is located to calculate the amount of the assessment limitation difference which may be transferred and must certify whether the previous homestead was abandoned and has been or will be reassessed at just value or reassessed according to the provisions of this subsection as of the January 1 following its abandonment.

3. Based on the information provided on the form from the property appraiser in the county where the previous homestead was located, the property appraiser in the county where the new homestead is located shall calculate the amount of the assessment limitation difference which may be transferred and apply the difference to the January 1 assessment of the new homestead.

4. All property appraisers having information-sharing agreements with the department are authorized to share confidential tax information with each other pursuant to s. 195.084, including social security numbers and linked information on the forms provided pursuant to this section.

5. The transfer of any limitation is not final until any values on the assessment roll on which the transfer is based are final. If such values are final after tax notice bills have been sent, the property appraiser shall make appropriate corrections and a corrected tax notice bill shall be sent. Any values that are under administrative or judicial review shall be noticed to the tribunal or court for accelerated hearing and resolution so that the intent of this subsection may be carried out.

6. If the property appraiser in the county where the previous homestead was located has not provided information sufficient to identify the previous homestead and the assessment limitation difference is transferable, the taxpayer may file an action in circuit court in that county seeking to establish that the property appraiser must provide such information.

7. If the information from the property appraiser in the county where the previous homestead was located is provided after the procedures in this section are exercised, the property appraiser in the county where the

new homestead is located shall make appropriate corrections and a corrected tax notice and tax bill shall be sent.

8. *This subsection does not authorize the consideration or adjustment of the just, assessed, or taxable value of the previous homestead property.*

9. *The property appraiser in the county where the new homestead is located shall promptly notify a taxpayer if the information received, or available, is insufficient to identify the previous homestead and the amount of the assessment limitation difference which is transferable. Such notification shall be sent on or before July 1 as specified in s. 196.151.*

10. *The taxpayer may correspond with the property appraiser in the county where the previous homestead was located to further seek to identify the homestead and the amount of the assessment limitation difference which is transferable.*

11. *If the property appraiser in the county where the previous homestead was located supplies sufficient information to the property appraiser in the county where the new homestead is located, such information shall be considered timely if provided in time for inclusion on the notice of proposed property taxes sent pursuant to ss. 194.011 and 200.065(1).*

12. *If the property appraiser has not received information sufficient to identify the previous homestead and the amount of the assessment limitation difference which is transferable before mailing the notice of proposed property taxes, the taxpayer may file a petition with the value adjustment board in the county where the new homestead is located.*

(h) *Any person who is qualified to have his or her property assessed under this subsection and who fails to file an application by March 1 may file an application for assessment under this subsection and may, pursuant to s. 194.011(3), file a petition with the value adjustment board requesting that an assessment under this subsection be granted. Such petition may be filed at any time during the taxable year on or before the 25th day following the mailing of the notice by the property appraiser as provided in s. 194.011(1). Notwithstanding s. 194.013, such person must pay a nonrefundable fee of \$15 upon filing the petition. Upon reviewing the petition, if the person is qualified to receive the assessment under this subsection and demonstrates particular extenuating circumstances judged by the property appraiser or the value adjustment board to warrant granting the assessment, the property appraiser or the value adjustment board may grant an assessment under this subsection. For the 2008 assessments, all petitioners for assessment under this subsection shall be considered to have demonstrated particular extenuating circumstances.*

(i) *Any person who is qualified to have his or her property assessed under this subsection and who fails to timely file an application for his or her new homestead in the first year following eligibility may file in a subsequent year. The assessment reduction shall be applied to assessed value in the year the transfer is first approved, and refunds of tax may not be made for previous years.*

(j) *The property appraisers of the state shall, as soon as*

And the title is amended as follows:

Delete line(s) 15-17 and insert: assessed at less than just value;

Amendment 3 (759644)—Delete line(s) 620 and insert: *of ownership or control as defined in ss. 193.1554(5) and 193.1555(5) whenever the use of the*

Amendment 4 (179630)—Delete line(s) 756-760 and insert: *be allocated to each taxing authority based on the proportion of just value of such property located in the taxing authority; however, the amount of the exemption allocated to each taxing authority may not change following the extension of the tax roll pursuant to s. 193.122.*

Amendment 5 (969456)—Delete line(s) 953 and 954 and insert: *allowed after the applicable percentage of the rolled-back rate has as provided in subparagraphs (2)(a)1. through 5. has been*

Amendment 6 (529414)(with title amendments)—Between line(s) 1065 and 1066, insert:

Section 17. *Section 9 of chapter 2007-339, Laws of Florida, is repealed.*

And the title is amended as follows:

On line(s) 79, after the first semicolon (;) insert: *repealing s. 9, ch. 2007-339, Laws of Florida, relating to the legislative appropriation of funds to offset the reduction in ad valorem tax revenues in fiscally constrained counties;*

MOTION

On motion by Senator Alexander, the rules were waived to allow the following amendment to be considered:

Senators Alexander and Lynn offered the following amendment which was moved by Senator Alexander and adopted:

Amendment 7 (252378)—Delete line(s) 1032-1045 and insert:

Section 16. (1) *Beginning in fiscal year 2008-2009, the Legislature shall appropriate moneys to offset the reductions in ad valorem tax revenue experienced by fiscally constrained counties, as defined in s. 218.67(1), Florida Statutes, which occur as a direct result of the implementation of revisions of Article VII of the State Constitution approved in the special election held on January 29, 2008. The moneys appropriated for this purpose shall be distributed in January of each fiscal year among the fiscally constrained counties based on each county's proportion of the total reduction in ad valorem tax revenue resulting from the implementation of the revision.*

(2) *On or before November 15 of each year, beginning in 2008, each fiscally constrained county shall apply to the*

Pursuant to Rule 4.19, **CS for SB 1588** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **SB 1022**, **SM 2452** and **CS for SM 2488** was deferred.

By Senator Alexander—

CS for SB 1630—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 500.148, F.S.; revising an exemption from the public-records law provided for certain information provided to the Department of Agriculture and Consumer Services under its regulatory authority; saving the exemption from repeal under the Open Government Sunset Review Act; deleting the provision providing for repeal of the exemption; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1630** was placed on the calendar of Bills on Third Reading.

By Senator Alexander—

CS for SB 2222—A bill to be entitled An act relating to a review of the Department of Citrus under the Florida Government Accountability Act; reenacting ss. 20.29, 601.04, and 601.05, F.S., relating to the Department of Citrus and the Florida Citrus Commission; amending s. 601.15, F.S.; revising the deadline by which the Florida Citrus Commission sets the annual citrus excise tax rate; deleting a provision requiring the commission to consider certain projected collection of taxes in setting the rate; conforming provisions relating to the season upon which the tax rate applies; repealing s. 601.154, F.S., relating to the Citrus Stabilization Act of Florida; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2222** was placed on the calendar of Bills on Third Reading.

By Senator Fasano—

CS for SB 1378—A bill to be entitled An act relating to the display of flags; amending s. 720.304, F.S.; authorizing homeowners to display

certain flags in a specified manner; providing that such provisions apply to nonmandatory homeowners' associations and community development districts; providing an effective date.

—was read the second time by title.

The Committee on Military Affairs and Domestic Security recommended the following amendment which was moved by Senator Fasano and adopted:

Amendment 1 (861104)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (2) of section 720.304, Florida Statutes, is amended to read:

720.304 Right of owners to peaceably assemble; display of flag; SLAPP suits prohibited.—

(2)(a) Any homeowner may display one portable, removable United States flag or official flag of the State of Florida in a respectful manner, and ~~one on Armed Forces Day, Memorial Day, Flag Day, Independence Day, and Veterans Day may display in a respectful manner~~ portable, removable official flag flags, in a respectful manner, not larger than 4 1/2 feet by 6 feet, which represents ~~represent~~ the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, or a POW-MIA flag, regardless of any covenants, restrictions, bylaws, ~~declaration~~ rules, or requirements of the association ~~dealing with flags or decorations~~.

(b) *Any homeowner may erect a freestanding flagpole no more than 20 feet high on any portion of the homeowner's real property, regardless of any covenants, restrictions, bylaws, rules, or requirements of the association, if the flagpole does not obstruct sightlines at intersections and is not erected within or upon an easement. The homeowner may further display in a respectful manner from that flagpole, regardless of any covenants, restrictions, bylaws, rules, or requirements of the association, one official United States flag, not larger than 4 1/2 feet by 6 feet, and may additionally display one official flag of the State of Florida or the United States Army, Navy, Air Force, Marines, or Coast Guard, or a POW-MIA flag. Such additional flag must be equal in size to or smaller than the United States flag.*

(c) *This subsection applies to all community development districts and homeowners' associations, regardless of whether such homeowners' associations are authorized to impose assessments that may become a lien on the parcel.*

Section 2. Subsection (3) is added to section 723.075, Florida Statutes, to read:

723.075 Homeowners' associations.—

(3) *Notwithstanding subsection (1), if a portion of the park contains concrete block homes occupying lots under 99-year leases, those homeowners may be part of the association and may serve on the board of directors of the association based on the percentage of lots containing concrete block homes to the total number of mobile home lots in the park.*

Section 3. This act shall take effect July 1, 2008.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to rights of homeowners; amending s. 720.304, F.S.; authorizing a homeowner to display certain types of flags in a respectful manner on his or her property, regardless of any covenants, restrictions, bylaws, rules, or requirements of the parcel owner's homeowners' association; providing a list of flags that may be displayed; providing size limitations for such flags; authorizing a homeowner to erect a flagpole meeting specified requirements on his or her property; authorizing a homeowner to display certain flags from such flagpole; providing restrictions; providing for the application of such provisions related to the display of flags and construction of a flagpole; amending s. 723.075, F.S.; providing that certain homeowners may be part of the homeowners' association and may serve on the board of directors of the association under certain circumstances; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 1378** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By Senator Garcia—

CS for SB 2224—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.011, F.S.; defining the term “paratransit” for purposes of the public records law; amending s. 119.071, F.S.; expanding an exemption from public-records requirements which is provided for information identifying an applicant for or a recipient of paratransit services so that the exemption applies to all agencies; providing for future legislative review of the exemption under the Open Government Sunset Review Act; repealing s. 119.0713(2), F.S., relating to the prior exemption provided for such information; providing a statement of public necessity; repealing s. 2 of chapter 2003-110, Laws of Florida; deleting provisions providing for repeal of the exemption; amending ss. 257.34 and 257.35, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2224** was placed on the calendar of Bills on Third Reading.

By Senator Wise—

SB 220—A bill to be entitled An act relating to change of name; amending s. 68.07, F.S.; requiring that a person filing a petition for change of name submit fingerprints for a state and national criminal history records check before the court hearing on the petition; providing an exception to such requirement; providing procedures for the taking and submission of fingerprints; providing for the payment of costs associated with processing fingerprints and conducting criminal history checks; requiring the return of the results of a criminal history records check to the clerk of court; providing for the scheduling of a hearing on a petition to restore a former name when a criminal history records check is required; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 220** was placed on the calendar of Bills on Third Reading.

By Senator Dean—

CS for SB 274—A bill to be entitled An act relating to the POW-MIA flag; creating s. 256.14, F.S.; requiring the Department of Environmental Protection to purchase and display the POW-MIA flag at state parks displaying the United States flag; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 274** was placed on the calendar of Bills on Third Reading.

By Senator Crist—

CS for SB 300—A bill to be entitled An act relating to service of process; amending s. 30.231, F.S.; increasing the fees charged by the sheriff in civil cases for service of process; exempting the State of Florida and its agencies from increased fees; deleting a prohibition on additional fees for certain documents; amending s. 48.021, F.S.; providing that criminal witness subpoenas and criminal summonses may be served by a special process server appointed by the local sheriff or by a certified process server; amending s. 48.27, F.S., to conform; providing for selection of authorized certified process servers to serve such subpoenas and summonses; amending s. 56.041, F.S.; providing that all unsatisfied executions in the possession of the sheriff docketed before October 1, 2001, may be returned to the issuing court; amending s. 56.21, F.S.; requiring the submission of an affidavit before levying a judgment upon real property; requiring the sheriff to furnish to the judgment debtor or the debtor's attorney of record a copy of the notice of sale, notice of levy, and affidavit within a specified period before execution of a sale or levy; amending s. 56.27, F.S.; requiring that priority of liens on real property be based on the effective date of the judgment lien for a specified purpose; requiring a levying creditor to deliver to the sheriff at the time of the levy request an affidavit setting forth certain information and attestations; amending ss. 741.30 and 784.046, F.S., relating to service of

process in cases of domestic violence or sexual abuse; authorizing clerks of court to transmit facsimile copies of previously certified injunctions to sheriffs upon request; requiring sheriffs to verify receipt of facsimile copies of injunctions with clerks of court before attempting service; authorizing law enforcement officers to serve facsimile copies of injunctions in the same manner as certified copies; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 300** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 366** was deferred.

By Senator Aronberg—

CS for SB 464—A bill to be entitled An act relating to real estate conveyances; creating s. 689.28, F.S.; providing legislative intent regarding transfer fee covenants; providing definitions; providing that certain transfer fee covenants are unenforceable against subsequent owners, purchasers, and mortgagees; providing that a presumption is not created in favor of transfer fee covenants recorded before the effective date of the act; amending ss. 689.01 and 692.01, F.S.; clarifying that corporations may execute conveyances; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 464** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dean, by two-thirds vote **CS for HB 29** was withdrawn from the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

On motion by Senator Dean, by two-thirds vote—

CS for HB 29—A bill to be entitled An act relating to DNA testing; amending s. 943.325, F.S.; revising offenses for which a conviction requires the person convicted to provide biological specimens in specified circumstances; providing an effective date.

—a companion measure, was substituted for **CS for SB 472** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 29** was placed on the calendar of Bills on Third Reading.

By Senator Dockery—

CS for SB 622—A bill to be entitled An act relating to orders of no contact; amending s. 921.244, F.S.; requiring that offenders convicted of specified violent offenses be prohibited from having any contact with the victim; providing penalties; providing that the penalty for violation of such an order run consecutive to the sentence for the original violation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 622** was placed on the calendar of Bills on Third Reading.

By Senator Aronberg—

CS for SB 1616—A bill to be entitled An act relating to the revocation or suspension of concealed weapon and firearm licenses held by licensees who are adjudicated incapacitated or committed to a mental institution; amending s. 790.065, F.S.; revising the definition of the phrase “committed to a mental institution”; authorizing the Department of Law Enforcement to provide data collected from court records to the Department of Agriculture and Consumer Services for purposes of determining whether a license should be revoked or suspended under s. 790.06(10), F.S.; providing an effective date.

—was read the second time by title.

Senator Aronberg moved the following title amendment which was adopted:

Amendment 1 (087376)—

In title, delete line(s) 2-11 and insert: An act relating to interagency data sharing; amending s. 790.065, F.S.; authorizing the Department of Law Enforcement to provide data collected from court records to the Department of Agriculture and Consumer Services for purposes of determining eligibility for concealed weapons and firearm licenses; adding involuntary outpatient treatment to the definition of “committed to a mental institution” in the criteria considered for license qualifications and firearm purchases; providing

Pursuant to Rule 4.19, **CS for SB 1616** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator King, the rules were waived and time of recess was extended until 1:10 p.m.

By Senator Margolis—

SB 366—A bill to be entitled An act relating to elderly persons and disabled adults; amending s. 825.102, F.S.; reclassifying the offense of aggravated abuse of an elderly person or disabled adult from a second-degree felony to a first-degree felony; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code, to conform; creating s. 943.17296, F.S., relating to training on identifying and investigating elder abuse for certified law enforcement officers; requiring that the training be completed by a time certain; providing that an officer's certification becomes inactive in certain circumstances related to the failure to complete the training; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 366** was placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator King, the rules were waived and time of recess was extended until completion of motions and announcements.

**MOTIONS RELATING TO
COMMITTEE REFERENCE**

On motion by Senator Atwater, by two-thirds vote **CS for SB 2462** was withdrawn from the Committee on Education Pre-K - 12 Appropriations; and **CS for CS for SB 304** was withdrawn from the Committee on Finance and Tax.

On motion by Senator Constantine, by two-thirds vote **SB 1558** was withdrawn from the Committee on Rules.

On motion by Senator Saunders, by two-thirds vote **CS for SB 502** was withdrawn from the Committee on Criminal and Civil Justice Appropriations.

REPORTS OF COMMITTEES

The Social Responsibility Policy and Calendar Committee submits the following bills to be placed on the Special Order Calendar for Thursday, April 10, 2008: **SB 38**, **SB 40**, **SB 54**, **SB 60**, **CS for SB 68**, **CS for CS for SB 610**, **CS for CS for SB 1716**, **CS for CS for SB 1080**, **CS for CS for SB 370**, **CS for CS for CS for SB 1374**, **CS for SB 2366**, **CS for CS for SB 1648**, **CS for SB 1370**, **CS for SB 2618**, **CS for CS for SB 2630**, **CS for SB 2610**, **CS for CS for SB 2760**

Respectfully submitted,
Burt L. Saunders, Chair

The Fiscal Policy and Calendar Committee submits the following bills to be placed on the Special Order Calendar for Thursday, April 10, 2008: CS for SB 2326, CS for SB 1586, CS for SB 1588

Respectfully submitted,
Lisa Carlton, Chair

The Economic Opportunities Policy and Calendar Committee submits the following bills to be placed on the Special Order Calendar for Thursday, April 10, 2008: CS for CS for SB 2534, SB 1022, CS for CS for SB's 2860 and 1196, SM 2452, CS for SM 2488

Respectfully submitted,
Jeff Atwater, Chair

The Responsible Regulation Policy and Calendar Committee submits the following bills to be placed on the Special Order Calendar for Thursday, April 10, 2008: CS for CS for SB 1302, CS for SB 1630, CS for SB 2222, CS for SB 1378, CS for SB 2224, SB 50, SB 56

Respectfully submitted,
Lee Constantine, Chair

The Law and Justice Policy and Calendar Committee submits the following bills to be placed on the Special Order Calendar for Thursday, April 10, 2008: SB 220, CS for SB 274, CS for SB 300, SB 366, CS for SB 464, CS for SB 472, CS for SB 622, CS for SB 1616

Respectfully submitted,
Paula Dockery, Chair

The Special Master on Claims recommends the following pass: SB 26 with 1 amendment

The bill was referred to the Committee on Community Affairs under the original reference.

The Special Master on Claims recommends the following pass: SB 28

The bill was referred to the Committee on Criminal Justice under the original reference.

The Committee on Environmental Preservation and Conservation recommends the following pass: SB 562

The Committee on Governmental Operations recommends the following pass: SB 2208

The bills contained in the foregoing reports were referred to the Committee on Education Pre-K - 12 under the original reference.

The Committee on Community Affairs recommends the following pass: CS for SB 774

The Special Master on Claims recommends the following pass: SB 64 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Environmental Preservation and Conservation under the original reference.

The Committee on Community Affairs recommends the following pass: SB 1626

The Committee on Governmental Operations recommends the following pass: SB 1502; SB 1982

The bills contained in the foregoing reports were referred to the Committee on Finance and Tax under the original reference.

The Committee on Agriculture recommends the following pass: SB 1376 with 1 amendment

The bill was referred to the Committee on General Government Appropriations under the original reference.

The Committee on Environmental Preservation and Conservation recommends the following pass: SB 570

The bill was referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Governmental Operations recommends the following pass: SB 2574

The bill was referred to the Committee on Judiciary under the original reference.

The Committee on Community Affairs recommends the following pass: SB 2728 with 1 amendment

The bill was referred to the Committee on Military Affairs and Domestic Security under the original reference.

The Committee on Communications and Public Utilities recommends the following pass: SB 504

The Committee on Community Affairs recommends the following pass: SB 2096

The bills contained in the foregoing reports were referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Governmental Operations recommends the following not pass: CS for SB 1428

The bill was laid on the table.

The Committee on Environmental Preservation and Conservation recommends a committee substitute for the following: SB 2622

The bill with committee substitute attached was referred to the Committee on Community Affairs under the original reference.

The Committee on Judiciary recommends committee substitutes for the following: CS for SB 700; CS for SB 1084

The bills with committee substitutes attached were referred to the Committee on Criminal and Civil Justice Appropriations under the original reference.

The Committee on Transportation recommends a committee substitute for the following: SB 1424

The bill with committee substitute attached was referred to the Committee on Criminal Justice under the original reference.

The Committee on Commerce recommends committee substitutes for the following: SB 928; SB 930

The Committee on Environmental Preservation and Conservation recommends a committee substitute for the following: CS for SB 2304

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Finance and Tax under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: CS for SB 1208

The Committee on Environmental Preservation and Conservation recommends a committee substitute for the following: SB 730

The Committee on Governmental Operations recommends committee substitutes for the following: SB 800; SB 1654; CS for SB 1994; CS for SB 2528

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 992

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on General Government Appropriations under the original reference.

The Committee on Commerce recommends a committee substitute for the following: SB 940

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 2762

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Operations under the original reference.

The Committee on Governmental Operations recommends a committee substitute for the following: CS for SB 2626

The bill with committee substitute attached was referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Governmental Operations recommends a committee substitute for the following: CS for SB 1120

The bill with committee substitute attached was referred to the Committee on Higher Education Appropriations under the original reference.

The Committee on Governmental Operations recommends a committee substitute for the following: CS for SB 2152

The bill with committee substitute attached was referred to the Committee on Judiciary under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 1318

The Committee on General Government Appropriations recommends committee substitutes for the following: CS for CS for SB 2156; CS for CS for SB 2158

The Committee on Higher Education recommends a committee substitute for the following: SB 1706

The Committee on Transportation recommends a committee substitute for the following: SB 1604

The Committee on Transportation and Economic Development Appropriations recommends committee substitutes for the following: CS for SB 682; SB 734

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Transportation and Economic Development Appropriations; Transportation; and Senators Bullard, Lawson, Wilson and Storms—

CS for CS for SB 682—A bill to be entitled An act relating to the Department of Transportation; requiring the department to conduct a study of transportation alternatives for the Interstate 95 corridor; providing an effective date.

By the Committees on Judiciary; Criminal Justice; and Senator Crist—

CS for CS for SB 700—A bill to be entitled An act relating to juvenile justice; amending s. 29.008, F.S.; conforming cross-references; amending s. 790.22, F.S.; revising provisions relating to community service programs; amending s. 939.185, F.S.; providing diversion options; amending s. 984.05, F.S., conforming cross-references; amending s. 984.09, F.S.; deleting duplicative provisions relating to contempt of court and alternative sanctions; amending s. 985.02, F.S.; providing diversion options; amending s. 985.03, F.S.; defining the term “ordinary medical care”; amending and renumbering provisions of s. 985.037, F.S., relating to alternative sanctions; creating s. 985.0375, F.S.; providing for alternative sanctions; amending s. 985.04, F.S.; providing that confidential information obtained during an official’s service with juvenile delinquents may be shared with authorized personnel of the Department of Children and Family Services; amending s. 985.245, F.S.; providing for additional representatives to be included on the committee formed to advise the Department of Juvenile Justice on the risk assessment instrument; requiring periodic evaluation of the risk assessment instrument; amending s. 985.265, F.S.; providing an exception to required supervision in direct supervision housing; amending s. 985.601, F.S.; requiring the Department of Juvenile Justice to adopt rules to establish procedures to provide ordinary medical care, mental health, substance abuse, and developmental disabilities services to youth within the juvenile justice continuum; requiring that, to the extent possible within available fiscal resources, the procedures must be commensurate with procedures that youth receive in the community; amending s. 985.606, F.S.; revising provisions governing data collection; amending s. 985.632, F.S.; authorizing the department to conduct a demonstration project in order to create an accountable juvenile justice system that is outcome-based; amending s. 985.644, F.S., relating to departmental contracting powers; removing references to the Department of Children and Family Services; amending s. 985.66, F.S.; transferring the responsibility for the juvenile justice training program from the Juvenile Justice Standards and Training Commission to the Department of Juvenile Justice; requiring the department to adopt rules; amending s. 985.664, F.S., relating to the juvenile justice circuit boards and juvenile justice county councils; providing a reference to the Children and Youth Cabinet; requiring that juvenile justice circuit boards and county councils participate in facilitating interagency cooperation and information sharing with certain entities; requiring that such collaborations specify certain information; providing requirements for the annual reports required to be submitted by each juvenile justice circuit board; amending s. 985.668, F.S.; encouraging each juvenile justice circuit board, in consultation with the juvenile justice county council, to propose an innovation zone within the circuit; amending s. 985.676, F.S.; including the development and implementation of a strategic plan; amending s. 985.721, F.S.; conforming a cross-reference; creating s. 1006.125, F.S.; requiring that a student charged with a violation of the code of student conduct which constitutes a serious criminal offense be reported to a law enforcement agency; amending s. 1006.13, F.S.; removing the reference of zero tolerance; providing an appropriation; providing an effective date.

By the Committee on Environmental Preservation and Conservation; and Senator Crist—

CS for SB 730—A bill to be entitled An act relating to the permitting of landfills; amending s. 403.707, F.S.; requiring the Department of Environmental Protection to conduct a study concerning the location of landfills and report to the Governor and the Legislature; prohibiting the permitting of Class I landfills if the department finds that the applicant has violated certain laws during a specified period; defining the term “applicant”; providing an effective date.

By the Committee on Transportation and Economic Development Appropriations; and Senator Fasano—

CS for SB 734—A bill to be entitled An act relating to license plates; amending ss. 320.08056 and 320.08058, F.S.; creating a Florida Tennis license plate; creating a Lighthouse Association license plate; creating an I Believe license plate; creating an In God We Trust license plate; providing for the distribution of annual use fees received from the sale of such plates; providing an effective date.

By the Committee on Governmental Operations; and Senator Villalobos—

CS for SB 800—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.0515, F.S.; revising the criteria under which certain employees of the Department of Law Enforcement, the Division of State Fire Marshal, or a local government law enforcement agency or medical examiner's office are eligible for membership in the Special Risk Class; authorizing the Department of Management Services to review the special risk designation of certain members; authorizing certain members to purchase additional retirement credit to upgrade prior service to Special Risk Class service; providing for the calculation of contributions for such service upgrade; authorizing the employer to purchase such additional credit for certain members; providing a declaration of important state interest; providing an effective date.

By the Committee on Commerce; and Senator Diaz de la Portilla—

CS for SB 928—A bill to be entitled An act relating to economic development; creating s. 11.9006, F.S.; providing a short title; providing definitions; creating the Small Business Regulatory Advisory Council; providing for appointments, membership, and meetings; providing an administrative location for the council; providing powers and limitations of the council; providing for coordinated review of agency rules by the council, with agency sunset review; providing timelines for review; providing for the council to issue a business-friendly scorecard of agency rules; creating s. 11.9007, F.S.; providing definitions; providing for selection of small business advocate; providing for preferred qualifications of the advocate; providing duties of the advocate; providing for agency cooperation with the advocate; providing for an annual report by the advocate to the Governor and Legislature; amending s. 11.908, F.S.; requiring report of the Small Business Regulatory Advisory Council to be included in recommendations of Joint Legislative Sunset Committee; amending s. 11.919, F.S.; requiring agency assistance to the Small Business Regulatory Advisory Council; authorizing the council to inspect agency documents; amending s. 120.54, F.S.; requiring state agencies to prepare statements of estimated regulatory costs; requiring agency notification to Small Business Regulatory Advisory Council relating to proposed agency action affecting small businesses; requiring the agency to adopt regulatory alternatives offered by the council under certain circumstances; providing for a rule-filing extension when regulatory alternatives are offered by the council; providing for outside review of regulatory alternatives not adopted by the agency and for agency response; amending s. 120.74, F.S.; requiring biennial rule review by each agency to consider the impact of rules on small businesses; requiring that the results be included in report to Legislature; providing an effective date.

By the Committee on Commerce; and Senator Diaz de la Portilla—

CS for SB 930—A bill to be entitled An act relating to economic development; creating s. 288.001, F.S.; designating the Florida Small Business Development Center Network as the principal business assistance organization for small businesses in the state; providing an effective date.

By the Committee on Commerce; and Senator Diaz de la Portilla—

CS for SB 940—A bill to be entitled An act relating to employee leasing companies; providing a short title; amending s. 443.036, F.S.; redefining the term “employee leasing company”; amending s. 443.1216, F.S.; requiring quarterly reports that include client and establishment specific information; authorizing the Agency for Workforce Innovation to adopt rules; providing enforcement authority; providing an effective date.

By the Committees on Judiciary; Banking and Insurance; and Senators Fasano, Gaetz and Atwater—

CS for CS for SB 992—A bill to be entitled An act relating to foreclosure fraud; creating s. 501.1377, F.S.; providing legislative findings and intent with respect to the need to protect homeowners who enter into agreements designed to save their homes from foreclosure; providing definitions; prohibiting a foreclosure-rescue consultant from engaging in certain acts or failing to perform contracted services; requiring that all agreements for foreclosure-related rescue services and foreclosure-rescue transactions be in writing; specifying information that must be in the written agreement; requiring that certain statements in the written agreement be in uppercase letters and of a specified size; providing that the homeowner has a right to cancel the agreement for a specified period and the right may not be waived; providing that the homeowner has a specified period during which to cure a default under certain circumstances; requiring equity purchasers to assume or discharge certain liens; requiring that an equity purchaser verify the homeowner's ability to make payments under a repurchase agreement; providing price limitations for repurchase transactions; providing for a rebuttable presumption of certain transactions being unconscionable under certain circumstances; providing for limited application of the presumption; providing an exclusion; providing that a foreclosure-rescue transaction involving a lease option or other repurchase agreement creates a rebuttable presumption that the transaction is a loan transaction and the conveyance from the homeowner to the equity purchaser is a mortgage; providing limited application of the presumption; providing an exclusion; providing that a person who violates certain provisions commits an unfair and deceptive trade practice as defined in part II of ch. 501, F.S.; providing penalties; repealing s. 501.2078, F.S., relating to violations involving individual homeowners during the course of residential foreclosure proceedings; providing an effective date.

By the Committees on Judiciary; Children, Families, and Elder Affairs; and Senators Rich, Lynn and Margolis—

CS for CS for SB 1084—A bill to be entitled An act relating to the termination of parental rights; amending s. 39.812, F.S.; requiring a petition for adoption to be accompanied by a statement verifying that adoptive parents have received all information required to be disclosed; amending s. 49.011, F.S.; providing for service of process by publication for termination of parental rights under ch. 63, F.S.; amending s. 63.032, F.S.; redefining terms; amending s. 63.037, F.S.; conforming a cross-reference; amending s. 63.039, F.S.; requiring an adoption entity to provide adoption disclosure statements to persons whose consent is required for adoption; requiring attorney's fees and costs in certain actions to be awarded pursuant to the Florida Rules of Civil Procedures; amending s. 63.0425, F.S.; clarifying a grandparent's right to notice; amending s. 63.054, F.S.; providing that an unmarried biological father who fails to register with the Florida Putative Father Registry before the filing of a petition for termination of parental rights may not file a paternity claim under ch. 742, F.S.; providing an exception from the time limitations for filing a paternity claim; providing that if a registrant fails to report a change of address, the adoption entity or adoption petitioner is not obligated to search further for the registrant; requiring a petitioner

in a proceeding in which parental rights are terminated simultaneously with entry of final judgment of adoption to contact the Office of Vital Statistics for a search of the registry; providing procedures for searching the registry when termination of parental rights and an adoption proceeding are adjudicated separately; amending s. 63.062, F.S.; revising criteria for serving notice of terminating parental rights to the father of a minor; revising procedures for serving notice of intended adoption plan; providing criteria for avoiding default on providing consent to adoption; providing for the proper venue to file a petition to terminate parental rights; amending s. 63.063, F.S.; revising the standard for compliance with laws relating to adoption; amending s. 63.082, F.S.; revising the notice and consent requirements to adoption to also exclude cases involving sexual activity with certain minors; revising consent requirements that apply to men; limiting the time period for revoking consent to adopt a child older than 6 months of age to 3 business days; revising requirements for withdrawing a consent for adoption; amending s. 63.085, F.S.; revising requirements for required disclosures by an adoption entity; requiring that background information concerning the child be revealed to prospective adoptive parents; amending s. 63.087, F.S.; revising procedures for terminating parental rights pending an adoption; providing the proper venue in which to file a petition to terminate parental rights; providing for joint petitions for termination of parental rights and adoption; providing that failure to appear at certain hearings constitutes grounds for termination of parental rights; removing a provision relating to the procedure for notifying a petitioner of a final hearing; amending s. 63.088, F.S.; providing that a mother's failure to identify an unmarried biological father is not a defense to a termination of parental rights; revising information relating to a court's inquiry about the father of the child who is to be adopted; requiring persons contacted by a petitioner or adoption entity to release certain information; providing that a judgment approving a diligent search is not subject to direct or collateral attack; amending s. 63.089, F.S.; revising provisions relating to service of notice and petition regarding termination of parental rights and consent to adoption; revising conditions for making a finding of abandonment; prohibiting a person who failed to establish parental rights from challenging a judgment terminating parental rights under certain circumstances; amending s. 63.092, F.S.; revising the conditions and timeframe for an adoption entity to report to the court the intent to place a minor for adoption; amending s. 63.102, F.S.; revising procedures for the filing of a petition for adoption; providing the proper venue where the petition may be filed; amending s. 63.122, F.S.; revising whose name may be removed from a petition under certain circumstances; amending s. 63.132, F.S.; providing additional exceptions to the requirement that the adoptive parent and the adoption entity file an affidavit itemizing all expenses and receipts; amending s. 63.135, F.S.; requiring the adoption entity or petitioner to file an affidavit under the Uniform Child Custody Jurisdiction and Enforcement Act in a termination of parental rights proceeding; deleting information required to be submitted under oath to the court; amending s. 63.142, F.S.; requiring that if an adoption petition is dismissed, any further proceedings regarding the minor be brought in a separate custody action under ch. 61, F.S., a dependency action under ch. 39, F.S., or a paternity action under ch. 742, F.S.; revising conditions under which a judgment terminating parental rights is voidable; amending s. 63.192, F.S.; requiring the courts of this state to recognize decrees of termination of parental rights and adoptions from other states and countries; amending s. 63.212, F.S.; revising acts that are unlawful pertaining to adoptions; creating s. 63.236, F.S.; providing that a petition for termination of parental rights filed before the effective date of the act is governed by the law in effect at the time the petition was filed; amending s. 742.021, F.S.; requiring the clerk of court to issue certain notice in cases of complaints concerning determination of paternity; amending s. 742.10, F.S.; providing applicability of chs. 39 and 63, F.S., to jurisdiction and procedures for determination of paternity for children born out of wedlock; providing an effective date.

By the Committees on Governmental Operations; Commerce; and Senator Gaetz—

CS for CS for SB 1120—A bill to be entitled An act relating to the Florida Research Commercialization Matching Grant Program; creating s. 288.9552, F.S.; providing legislative findings and intent; creating the program; designating an existing committee, or subcommittee thereof, within Enterprise Florida, Inc., for certain purposes; providing for committee members to serve without compensation; providing a deadline for processing applications; requiring reports to the Governor and Legislature; providing eligibility guidelines for applicants; providing for a pro-

gram administrator; providing responsibilities of the program administrator; providing for program administrative costs; designating a fiduciary entity; specifying eligibility requirements; providing for awards; requiring the Office of Program Policy Analysis and Government Accountability to conduct a review of the matching grant program; requiring the office to submit a report of its findings and recommendations to the Governor and the Legislature; providing appropriations; providing an effective date.

By the Committees on Community Affairs; Environmental Preservation and Conservation; and Senator Gaetz—

CS for CS for SB 1208—A bill to be entitled An act relating to water pollution control; amending s. 403.067, F.S.; providing requirements for basin management action plans; allowing such plans to take into account the benefits of pollutant load reduction achieved by point or non-point sources, where appropriate; requiring that the Department of Environmental Protection adopt all or part of any such plan, or any amendment thereto, by secretarial order as provided by state law; providing that the provisions of the department's rule relating to the equitable abatement of pollutants into surface waters may not be applied to water bodies or water body segments for which a basin management plan that takes into account future or new expanded activities or discharges has been adopted; authorizing water quality protection programs to include the trading of water quality credits; authorizing the department to adopt rules related to the trading of water quality credits; requiring that such rulemaking include certain provisions; specifying that a water quality credit trading pilot project be limited to the Lower St. Johns River Basin as a pilot project; requiring that the department provide the Legislature with an annual report regarding the effectiveness of the pilot project; providing report requirements; providing that the department may authorize and establish specific requirements for water quality credit trading as part of the Lower St. Johns River Basin adopted basin management action plan; correcting cross-references to conform to changes made by the act; amending s. 403.088, F.S.; authorizing the department to revise a water pollution operation permit under certain circumstances; authorizing the department to issue, renew, or reissue such a permit if a water quality credit trade meets the requirements of 403.067, F.S.; requiring that revised permits be accompanied by an order establishing a schedule for achieving compliance with all permit conditions; providing an effective date.

By the Committee on Community Affairs; and Senator Gaetz—

CS for SB 1318—A bill to be entitled An act relating to onsite sewage treatment and disposal systems; amending ss. 381.0065 and 381.0068, F.S.; providing that a member of local government who is knowledgeable about domestic wastewater treatment be added to the research review and advisory committee and the technical review and advisory panel established by the Department of Health for purposes of onsite sewage treatment and disposal system regulation; amending s. 318.0101, F.S.; exempting certain persons who are performing site evaluations relating to wastewater treatment and disposal systems from having to be certified as an environmental health professional by the Department of Health; providing that such persons must have completed a soils morphology course approved by the department and be working under the direct responsible charge of a licensed engineer; providing continuing education requirements for such persons; providing an effective date.

By the Committee on Transportation; and Senator Wise—

CS for SB 1424—A bill to be entitled An act relating to driving privileges for persons convicted of driving under the influence; amending s. 316.193, F.S.; requiring that a court order the mandatory placement for a specified period, at the convicted person's sole expense, of an ignition interlock device approved by the Department of Highway Safety and Motor Vehicles upon all vehicles that are individually or jointly leased or owned and routinely operated by any person convicted for a fourth or subsequent offense of driving under the influence if the convicted person obtains a restricted license or permit, regardless of whether the conviction was for a misdemeanor or felony; amending s. 322.21, F.S.; requiring any person who has an ignition interlock device installed to pay a service fee of \$15 to the Department of Highway Safety and Motor

vehicles; requiring the department to deposit the service fee into the DUI Programs Coordination Trust Fund; amending s. 322.28, F.S.; providing that a driver's license or driving privilege may be granted under certain circumstances to a person convicted a fourth time for driving under the influence or a conviction for DUI manslaughter; amending s. 322.271, F.S.; providing conditions under which a person convicted of a fourth or subsequent DUI may petition the department for reinstatement of his or her driving privilege on a restricted basis; requiring that the department impose certain requirements upon such persons; providing for the cancellation of such person's driving privilege upon his or her failure to adhere to such requirements; requiring that a person convicted of DUI manslaughter seeking reinstatement of his or her driving privilege demonstrate to a court within a specified period after the filing of his or her petition for reinstatement that he or she has abstained from consuming alcohol for 5 years as demonstrated by a specified period of continuous alcohol monitoring as reported to the licensed DUI program supervising the petitioner; defining the term "continuous alcohol monitoring"; amending s. 322.2715, F.S.; requiring that an ignition interlock device be installed for a specified period on any vehicle that is individually or jointly leased or owned and routinely operated by an individual convicted of a fourth or subsequent offense of driving under the influence; amending s. 322.16, F.S.; correcting cross-references to conform to changes made by the act; providing that any person operating a motor vehicle in violation of an ignition interlock restriction commits an offense of the same degree and punishable in the same manner as provided by state law regarding driving or being in actual physical control of a vehicle while his or her license is suspended or revoked; providing an effective date.

By the Committee on Transportation; and Senator Baker—

CS for SB 1604—A bill to be entitled An act relating to designations of state facilities; designating the Major Claude A. Gnann Memorial Highway and the Deputy Wayne Koester Memorial Highway in Lake County; designating Lt. Colonel Robert T. Heagy, Jr., Memorial Highway in Marion County; designating Cutler Bay Boulevard, Palmetto Bay Boulevard, American Legion Way, Honorable Robert B. Ingram, Ph.D., Boulevard, Father Emilio Vallina Avenue, and Bishop Victor Tyrone Curry Boulevard in Miami-Dade County; designating United States Army Specialist Brandon Tyler Thorsen Memorial Highway in Levy County; designating John E. Andrews Boulevard, George Matthews Boulevard, Angela Webb Hammonds Boulevard, Willie F. Faust Boulevard, and James H. Argrett, Sr., Avenue in Duval County; designating Veteran's Memorial Parkway in Sarasota County; designating a bridge in the city of Sarasota as Gil Waters Bridge; directing the Department of Transportation to erect suitable markers; designating the Joseph P. Bertrand Building in Fort Myers; authorizing the Department of Management Services to erect suitable markers; amending s. 589.19, F.S.; designating the state forest in Seminole County as the Charles H. Bronson State Forest; providing an effective date.

By the Committee on Governmental Operations; and Senator Lawson—

CS for SB 1654—A bill to be entitled An act relating to state construction management contracting; creating s. 255.32, F.S.; defining terms; authorizing the Department of Management Services to select and contract with construction management entities to assist in the management of state construction projects; providing criteria; authorizing the department to enter into continuing contracts under certain circumstances; providing that a construction management entity may be required to offer a guaranteed maximum price and a guaranteed completion date under specified circumstances and secure a surety bond; authorizing the department to adopt rules; providing an effective date.

By the Committee on Higher Education; and Senator Margolis—

CS for SB 1706—A bill to be entitled An act relating to developments of regional impact; amending s. 380.06, F.S.; exempting proposed developments involving medical technology, biotechnology, or life sciences which meet certain criteria from review as a development of regional impact; providing an effective date.

By the Committees on Governmental Operations; Agriculture; and Senator Atwater—

CS for CS for SB 1994—A bill to be entitled An act relating to the Gertrude Maxwell Save a Pet Act; providing a short title; creating s. 570.97, F.S.; creating a direct-support organization for the Department of Agriculture and Consumer Services; providing for the organization and operation of the direct-support organization; providing for the purpose of the direct-support organization; providing that the direct-support organization be governed by a board of directors; providing for membership and terms; providing for the appointment of honorary board members; providing an effective date.

By the Committees on Governmental Operations; Criminal Justice; Criminal Justice; and Senator Lynn—

CS for CS for SB 2152—A bill to be entitled An act relating to criminal justice; providing legislative intent; requiring state agencies and regulatory boards to submit to the Governor and legislative officers a report that states current restrictions on employment of ex-offenders and possible alternatives that are compatible with public safety; requiring that such report be submitted in 2011 and then every 8 years thereafter; amending s. 112.011, F.S.; providing that a person may not be disqualified from receiving a license, permit, or certificate or from obtaining public employment on the grounds that the person's civil rights have not been restored; providing that a person is not required to secure the restoration of his or her civil rights or prove that his or her civil rights have been restored in order to receive a license, permit, or certificate or to obtain public employment; amending s. 943.0581, F.S.; authorizing the arresting agency or the agency where the warrant was issued to request an administrative expunction; amending s. 943.0585, F.S.; requiring the clerk of the court to place information about the availability of criminal history sealing and expunction on the court's Internet website and provide a link to the Department of Law Enforcement's website related to such information; clarifying under what circumstances a person may legally deny an expunged criminal history record; authorizing disclosure of the contents of an expunged record upon receipt of a written, notarized request from the record subject; amending s. 943.059, F.S.; clarifying under what circumstances a person may legally deny a sealed criminal history record; authorizing a person to petition the court to seek a second criminal history record sealing under certain circumstances; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study; specifying the research questions for the study; requiring a report to be submitted to the Legislature; providing an effective date.

By the Committees on General Government Appropriations; Governmental Operations; Banking and Insurance; and Banking and Insurance—

CS for CS for CS for SB 2156—A bill to be entitled An act relating to the Florida Hurricane Catastrophe Fund; amending s. 215.555, F.S.; creating the Division of the Florida Hurricane Catastrophe Fund as a division of the State Board of Administration; providing for a board of the division; revising legislative findings; revising the definition of "retention," "covered policy," and "estimated claims-paying capacity" to account for the creation of the division; defining the terms "division," "director," "FHCF," "fund," and "board"; clarifying provisions requiring the State Board of Administration to invest certain funds; requiring that the board of the division appoint a director; providing duties of the director; providing that the appointment of a director is subject to the approval of the board by a majority vote; authorizing the division to employ or contract with such staff as the division deems necessary to administer the fund; requiring that the division enter into a contract with each insurer writing covered policies in this state to provide to the insurer reimbursement as prescribed by state law; requiring that such contracts contain certain elements or provisions and provide the division with certain obligations; extending for an additional year the offer of reimbursement coverage of up to \$10 million for specified insurers; revising the qualifying criteria for such insurers; revising the percentage of losses covered by such coverage; requiring that the division publish certain information in the Florida Administrative Weekly at specified times; authorizing the payment of advancements of reimbursements or reimbursement premiums to certain entities under certain conditions;

requiring that the division inspect, examine, and verify the records of each insurer's covered policies at such times as the division deems appropriate and according to standards established by rule for the specific purpose of validating the accuracy of exposures and losses required to be reported under the terms and conditions of the reimbursement contract; providing for the payments of expenses associated with such inspection, examination, or verification; providing for the reimbursement of the division for such expenses by an insurer under certain circumstances; authorizing the division to take certain action if it finds any insurer's records or other necessary information to be inadequate or inadequately posted, recorded, or maintained; requiring that the division select an independent consultant to develop a formula for determining the actuarially indicated premium to be paid to the fund; requiring that the division consider certain factors when establishing a reimbursement premium; providing for the calculation of such premium by the division; providing for the payment of reimbursement premium; providing for the collection of interest on certain late reimbursement premium payments; providing responsibilities of the division if Citizens Property Insurance Corporation assumes or otherwise provides coverage for policies of an insurer placed in liquidation; authorizing the division to execute agreements regarding revenue bonds or other financing arrangements for the purpose of evidencing, securing, preserving, or protecting a pledge of revenue by the corporation; requiring that the Florida Surplus Lines Service Office assist the division in ensuring the accurate and timely collection and remittance of assessments of surplus lines premiums; requiring that the office report certain information to the division at a time and in a manner prescribed by the division; providing for the issuance of revenue bonds through counties or municipalities; revising the membership of the Florida Hurricane Catastrophe Fund Finance Corporation; providing that there is no liability on the part of any member of the board of directors or employees of the corporation for any actions taken by them in the performance of their duties; providing additional powers and duties of the board of the division and the division; requiring that the board of the division appoint an advisory council; providing for membership of the council; providing duties of the council; authorizing the division to take any action necessary to enforce certain rules and provisions of a reimbursement contract; requiring that the division make certain recommendations to the Legislature upon the creation of a federal or multistate catastrophic insurance or reinsurance program intended to serve purposes similar to the purposes of the fund; providing for the reversion of fund assets upon termination of the fund; providing for optional coverages of the fund; revising the temporary increases in coverage limits (TICL); requiring that a TICL addendum contain a promise by the division to make certain reimbursements to the TICL insurer; including the level of TICL coverage specified by the board among the factors that must be considered when determining the amount of increase in the claims-paying capacity of the fund; amending s. 215.557, F.S.; conforming provisions to changes made by the act; amending s. 215.558, F.S.; requiring that the director of the division serve on the advisory council of the My Safe Florida Home Program; amending s. 215.559, F.S., relating to the Hurricane Loss Mitigation Program; conforming a cross-reference; amending s. 215.5595, F.S., relating to the Insurance Capital Build-up Incentive Program; conforming provisions to changes made by the act; revising the definition of "board" to conform to changes made by the act; amending s. 627.0628, F.S.; revising legislative intent; assigning the Florida Commission on Hurricane Loss Projection Methodology to the division; requiring that the director of the fund serve on the commission; requiring that the board of the division annually appoint one of the members of the commission to serve as chair; requiring that the division provide for travel, expenses, and staff support for the commission; indemnifying members and employees of the division from liability for action taken with respect to the commission or its activities; requiring that the division employ certain methods, principles, standards, models, or output ranges when establishing reimbursement premiums for the fund; providing an effective date.

By the Committees on General Government Appropriations; Finance and Tax; Banking and Insurance; and Banking and Insurance—

CS for CS for CS for SB 2158—A bill to be entitled An act relating to money services businesses; changing the name of money transmitters to money services businesses; requiring licensure rather than registration; amending s. 560.103, F.S.; revising definitions; defining the terms "affiliated party," "branch office," "cashing," "compliance officer," "electronic instrument," "financial audit report," "foreign affiliate," "licens-

ee," "location," "monetary value," "net worth," "outstanding money transmission," and "stored value"; amending s. 560.104, F.S.; revising provision providing exemptions from ch. 560, F.S.; amending s. 560.105, F.S.; revising provisions relating to the powers of the Office of Financial Regulation and the Financial Services Commission; amending s. 560.109, F.S.; revising provisions relating to examinations and investigations conducted by the office; requiring that the office periodically examine each licensee and each new licensee within 6 months after issuing a license; requiring the office to report certain violations to a criminal investigatory agency; requiring that the office annually report to the Legislature information concerning investigations and examinations and the total amount of fines assessed and collected; requiring records in a language other than English to be translated; creating s. 560.1091, F.S.; authorizing the office to contract with third parties to conduct examinations; authorizing the commission to adopt rules relating to who can conduct examinations and the rates charged; creating s. 560.1092, F.S.; requiring persons examined to pay the expenses of examination as set by rule of the commission; providing for the deposit of funds collected from licensees; requiring payment for travel expenses and living expenses and compensation for persons making the examinations from such funds or from funds budgeted for such purposes; creating s. 560.110, F.S.; providing for record retention by licensees; amending s. 560.111, F.S.; revising the list of prohibited acts by a money services business; amending s. 560.113, F.S.; providing for the establishment of a receivership or the payment of restitution by a person found to have violated ch. 560, F.S.; amending s. 560.114, F.S.; revising grounds for the disciplinary actions; creating s. 560.1141, F.S.; authorizing the commission to adopt disciplinary guidelines for imposing penalties for violations; providing for mitigating and aggravating circumstances; amending s. 560.115, F.S.; revising provisions relating to the voluntary surrender of a license; amending s. 560.116, F.S.; revising provisions relating to the granting of immunity for providing information about alleged violations of ch. 560, F.S.; amending s. 560.118, F.S.; revising provisions relating to required reports; deleting an exemption from the requirement to file an annual financial report; transferring, renumbering, and amending s. 560.119, F.S.; revising provisions providing for the deposit of fees and assessments; amending s. 560.121, F.S.; revising restriction on access to records held by a court or the Legislature; amending s. 560.123, F.S.; revising provisions relating to the Florida Control of Money Laundering in Money Services Business; creating s. 560.1235, F.S.; requiring a licensee to comply with state and federal anti-money laundering laws and rules; amending s. 560.124, F.S.; revising provisions relating to sharing reported information; amending s. 560.125, F.S.; revising provisions relating to unlicensed activity; amending s. 560.126, F.S.; revising provisions relating to certain notice requirements by a licensee; amending s. 560.127, F.S.; revising provisions relating to the control of a money services business; amending s. 560.128, F.S.; revising provisions relating to customer contacts and license display; amending s. 560.129, F.S.; revising provisions relating to the confidentiality of certain records; creating s. 560.140, F.S.; providing licensing standards for a money services business; creating s. 560.141, F.S.; providing for a license application; creating s. 560.142, F.S.; providing for license renewal; creating s. 560.143, F.S.; providing for license fees; amending s. 560.203, F.S.; revising the exemption from licensure for authorized vendors of a money services business; amending s. 560.204, F.S.; revising provisions relating to the requirement for licensure of money transmitters or sellers of payment instruments under part II of ch. 560, F.S.; amending s. 560.205, F.S.; providing additional requirements for a license application; amending s. 560.208, F.S.; revising provisions relating to the conduct of a licensee; creating s. 560.2085, F.S.; providing requirements for authorized vendors; amending s. 560.209, F.S.; revising provisions relating to a licensee's net worth and the filing of a corporate surety bond; requiring a financial audit report; increasing the upper limit of the bond; deleting the option of waiving the bond; amending s. 560.210, F.S.; revising provisions relating to permissible investments; amending s. 560.211, F.S.; revising provisions relating to required recordkeeping under part II of ch. 560, F.S.; amending s. 560.212, F.S.; revising provisions relating to licensee liability; amending s. 560.213, F.S.; revising provisions relating information that must be printed on a payment instrument; amending s. 560.303, F.S.; revising provisions relating to the licensure of check cashers under part II of ch. 560, F.S.; amending s. 560.304, F.S.; revising provisions relating to exemptions from licensure; limiting the exemption for the payment of instruments below a certain value; amending s. 560.309, F.S.; revising provisions relating to the conduct of check cashers; providing additional requirements; amending s. 560.310, F.S.; revising requirements for licensee records; specifying the maintenance of identification records for

certain customers; amending s. 560.402, F.S.; revising definitions relating to deferred presentment providers; amending s. 560.403, F.S.; revising provisions relating to the licensing requirements for deferred presentment providers; amending s. 560.404, F.S.; revising provisions relating to deferred presentment transactions; amending s. 560.405, F.S.; revising provisions relating to the redemption or deposit of a deferred presentment transaction; amending s. 560.406, F.S.; revising provisions relating to worthless checks; amending ss. 499.005, 499.0691, 501.95, 538.03, 896.101, 896.104, and 921.0022, F.S.; conforming cross-references; repealing s. 560.101, F.S., relating to a short title; repealing s. 560.102, F.S., relating to purpose and application; repealing s. 560.106, F.S., relating to chapter constructions; repealing s. 560.1073, F.S., relating to false or misleading statements or documents; repealing s. 560.108, F.S., relating to administrative enforcement guidelines; repealing s. 560.112, F.S., relating to disciplinary action procedures; repealing s. 560.117, F.S., relating to administrative fines; repealing s. 560.200, F.S., relating to a short title; repealing s. 560.202, F.S., relating to definitions; repealing s. 560.206, F.S., relating to the investigation of applicants; repealing s. 560.207, F.S., relating to registration; repealing s. 560.301, F.S., relating to a short title; repealing s. 560.302, F.S., relating to definitions; repealing s. 560.305, F.S., relating to application for registration; repealing s. 560.306, F.S., relating to standards; repealing s. 560.307, F.S., relating to fees; repealing s. 560.308, F.S., relating to registration; repealing s. 560.401, F.S., relating to a short title; repealing s. 560.407, F.S., relating to required records; providing an effective date.

By the Committees on Environmental Preservation and Conservation; Commerce; and Senator Bennett—

CS for CS for SB 2304—A bill to be entitled An act relating to the recreational marine industry; requiring that the annual report issued by Enterprise Florida, Inc., contain certain information related to the recreational marine industry of the state; providing for future expiration; providing an effective date.

By the Committees on Governmental Operations; Banking and Insurance; and Senator Deutch—

CS for CS for SB 2528—A bill to be entitled An act relating to insurance representatives; amending s. 626.221, F.S.; expanding the list of applicants eligible for exemption from certain examination requirements; amending s. 626.2815, F.S.; revising certain continuing education applicability requirements; prohibiting certain entities from imposing certain continuing education requirements; providing exceptions and limitations; providing an exception to certain examination monitoring requirements; providing requirements for exceptions; amending s. 626.311, F.S.; authorizing agents qualifying as unaffiliated insurance consultants to transact insurance business within the scope of the agent's license; providing a definition; providing requirements for qualifying or continuing to qualify as an unaffiliated insurance consultant; specifying prohibited activities for unaffiliated insurance consultants; amending s. 626.381, F.S.; authorizing appointing entities to impose certain training program requirements; providing a limitation; limiting appointment authority of appointing entities to persons meeting continuing education requirements; prohibiting appointments contingent upon certain continuing education course attendance; amending s. 627.901, F.S.; authorizing an agent to impose a service charge for processing an insured's premium installment payment to an insurance company or premium finance company; providing effective dates.

By the Committee on Environmental Preservation and Conservation; and Senator Justice—

CS for SB 2622—A bill to be entitled An act relating to public access to beaches; creating part V of ch. 161, F.S.; providing definitions; declaring the policy and effect; declaring sandy beaches in this state public; prohibiting private entities from restricting access; prohibiting obstruction of beach access under certain conditions; prohibiting the use of signs declaring that a public beach is private property; providing that a violation of such prohibition is a first-degree misdemeanor; providing a penalty; prohibiting a governmental entity from placing an obstruction upon

a public beach under certain conditions; defining the term "recreational use"; authorizing owners of land within a specified distance of certain coastal waters to record or revoke a notice concerning the granting of permission for the public's recreational use of the land; providing limitations on the duty or liability of an owner while such a notice is recorded; prohibiting an owner from preventing certain public uses of the land while such a notice is recorded; providing an effective date.

By the Committees on Governmental Operations; Children, Families, and Elder Affairs; and Senators Storms and Lynn—

CS for CS for SB 2626—A bill to be entitled An act relating to mental health and substance abuse services; amending s. 394.9082, F.S.; providing legislative findings and intent; establishing goals; specifying roles and responsibilities of the Department of Children and Family Services; creating community-based systems of care; authorizing the implementation of managing entities by the Department of Children and Family Services; establishing a process for contracting with managing entities; specifying qualifying criteria for managing entities; specifying responsibilities of managing entities; specifying responsibilities of the department; specifying requirements for management information systems; providing for evaluations and reports; providing for a monitoring process; providing an effective date.

By the Committees on Judiciary; Children, Families, and Elder Affairs; and Senators Dockery and Lynn—

CS for CS for SB 2762—A bill to be entitled An act relating to confidential records of children; creating s. 39.00145, F.S.; requiring that the case file of a child under the supervision or in the custody of the Department of Children and Family Services be maintained in a complete and accurate manner; specifying who has access to the case file and records in the file; authorizing the court to directly release the child's records to certain entities; providing that entities that have access to confidential information about a child may share it with other entities that provide services benefiting children; amending s. 39.202, F.S.; clarifying who has access to a child's records and who may bring an action to require access to confidential records held by the department; amending s. 39.2021, F.S.; expanding the authority of the Department of Children and Family Services to release records relating to children on its own initiative upon a showing of good cause; requiring notice to certain parties before release; providing for a court order to stop the release; amending s. 402.115, F.S.; adding the Department of Juvenile Justice to the list of agencies that are authorized to exchange confidential information; amending s. 415.107, F.S.; clarifying who may bring an action to require access to confidential records held by the Department of Children and Family Services; amending s. 415.1071, F.S.; expanding the authority of the department to release records relating to vulnerable adults on its own initiative upon a showing of good cause; requiring notice to certain parties before release; providing for a court order to stop the release; providing an effective date.

REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

By the Committee on Criminal Justice; and Senator Dockery—

CS for SB 838—A bill to be entitled An act relating to the Department of Law Enforcement; amending s. 943.05, F.S.; providing that if fingerprints submitted to the Department of Law Enforcement for background screening are identified with the fingerprints of a person having a criminal history record, the department may make the fingerprints available for all purposes and uses authorized for arrest fingerprint cards; amending s. 943.053, F.S.; clarifying the fees charged for requests for criminal history information; amending s. 943.0542, F.S.; authorizing a qualified entity requesting screening information concerning an employee or volunteer, or a person applying to be an employee or volunteer, to submit the request electronically; requiring the qualified entity to maintain a signed waiver allowing the release of the state and national criminal history record information to the qualified entity; amending s. 943.0581, F.S.; revising the information to be included in an application for an administrative expunction of any nonjudicial record of an arrest of a minor or an adult made contrary to law or by mistake; clarifying responsibility for submitting an application for an administrative expunction;

amending s. 943.06, F.S.; adding the Secretary of Children and Family Services, or the secretary's designated assistant, to the Criminal and Juvenile Justice Information Systems Council; amending 943.08, F.S.; revising the duties of the Criminal and Juvenile Justice Information Systems Council as the guiding principles for the management of public safety system information technology resources; creating the citizen support organization for Florida Missing Children's Day; authorizing the Department of Law Enforcement to establish a citizen support organization to provide assistance, funding, and promotional support for activities authorized for Florida Missing Children's Day; providing for duties and functions of the support organization; providing that the support organization is not a lobbyist; providing for the use and management of department property; providing for an annual audit; providing an effective date.

—was referred to the Committees on Judiciary; and Criminal and Civil Justice Appropriations.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 29 and requests the concurrence of the Senate; and has passed HB 5043, HB 5045, HB 5047, HB 5049, HB 5051, HB 5053, HB 5055, HB 5059, HB 5063, HB 5065, HB 5067, HB 5069, HB 5071, HB 5073, HB 5079, HB 5081, HB 5087 and HB 5093; has passed as amended HB 5001, HB 5003, CS for HB 5057, HB 5061, HB 5075, HB 5077, HB 5083, HB 5085 and HB 5091 and requests the concurrence of the Senate, or agree to conference.

William S. Pittman III, Chief Clerk

By the Safety and Security Council; and Representative Snyder and others—

CS for HB 29—A bill to be entitled An act relating to DNA testing; amending s. 943.325, F.S.; revising offenses for which a conviction requires the person convicted to provide biological specimens in specified circumstances; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By the Jobs and Entrepreneurship Council; and Representative Reagan and others—

HB 5043—A bill to be entitled An act relating to the surplus lines tax; amending s. 626.932, F.S.; reallocating distributions of surplus lines tax collections to the Insurance Regulatory Trust Fund and the General Revenue Fund; providing an effective date.

—was referred to the Fiscal Policy and Calendar Committee.

By the Jobs and Entrepreneurship Council; and Representative Reagan and others—

HB 5045—A bill to be entitled An act relating to workers' compensation medical services and supplies; providing for a type two transfer of responsibilities with respect to the provision of workers' compensation medical services and supplies from the Agency for Health Care Administration to the Department of Financial Services; amending ss. 440.13 and 440.125, F.S.; revising terminology and removing language relating to the sharing and maintenance of confidential medical records, reports, and information, to conform; providing an effective date.

—was referred to the Fiscal Policy and Calendar Committee.

By the Jobs and Entrepreneurship Council; and Representative Reagan and others—

HB 5047—A bill to be entitled An act relating to the Board of Architecture and Interior Design; amending s. 481.205, F.S.; deleting delegation of certain duties and authority of the Department of Business and Professional Regulation under ss. 455.225, 455.228, and 455.32, F.S., to the board; deleting the requirement for the board to contract with a corporation or business entity to provide investigative, legal, prosecutorial, and other required services; deleting requirements for recordkeeping by such corporation or business entity; deleting authority of the board to use specified funds to perform duties; deleting requirement for the board to submit a separate annual budget request for funding certain board activities; providing an effective date.

—was referred to the Fiscal Policy and Calendar Committee.

By the Jobs and Entrepreneurship Council; and Representative Reagan and others—

HB 5049—A bill to be entitled An act relating to mortgage broker's licenses; amending s. 494.0033, F.S.; revising requirements for mortgage broker license tests; revising fee requirements; requiring applicants to bear certain costs; providing limitations; providing an effective date.

—was referred to the Fiscal Policy and Calendar Committee.

By the Jobs and Entrepreneurship Council; and Representative Reagan—

HB 5051—A bill to be entitled An act relating to duties of the Division of Hotels and Restaurants relating to the Florida Building Code and the Florida Fire Prevention Code; amending s. 509.032, F.S.; eliminating the requirement for the Division of Hotels and Restaurants to provide technical support to assist the Florida Building Commission in updating the construction standards of the Florida Building Code and the State Fire Marshal in updating the Florida Fire Prevention Code; eliminating the requirement for the division to enforce the Florida Building Code and the Florida Fire Prevention Code in conducting its inspections; providing an effective date.

—was referred to the Fiscal Policy and Calendar Committee.

By the Jobs and Entrepreneurship Council; and Representative Reagan—

HB 5053—A bill to be entitled An act relating to the Division of Certified Public Accounting; amending s. 20.165, F.S.; eliminating the requirement for the location of division offices; providing an effective date.

—was referred to the Fiscal Policy and Calendar Committee.

By the Jobs and Entrepreneurship Council; and Representative Reagan—

HB 5055—A bill to be entitled An act relating to racing animal medication research; amending s. 550.2415, F.S.; deleting provisions for certain moneys to be used for research relating to the medication of racing animals; deleting provisions relating to the Pharmacokinetic and Clearance Study Agreement by and between the Department of Business and Professional Regulation Division of Pari-mutuel Wagering and the University of Florida College of Veterinary Medicine; providing an effective date.

—was referred to the Fiscal Policy and Calendar Committee.

By the Government Efficiency and Accountability Council; and Representative Grant—

HB 5059—A bill to be entitled An act relating to the State Agency Law Enforcement Radio System Trust Fund; amending s. 318.18, F.S.; revising purposes of the trust fund to include the provision of technical assistance to state agencies and local law enforcement agencies with their statewide system of regional law enforcement communications; clarifying that the Department of Management Services shall determine and direct the purposes for which funds are used; reenacting s. 318.21(17), F.S., relating to disposition of civil penalties by county courts, for the purpose of incorporating the amendment to s. 318.18, F.S., in a reference thereto; providing an effective date.

—was referred to the Fiscal Policy and Calendar Committee.

By the Government Efficiency and Accountability Council; and Representative Grant—

HB 5063—A bill to be entitled An act relating to retirement; amending s. 121.71, F.S.; revising the payroll contribution rates for the membership classes of the Florida Retirement System for the state fiscal years effective July 1, 2008, and July 1, 2009; providing a declaration of important state interest; providing an effective date.

—was referred to the Fiscal Policy and Calendar Committee.

By the Government Efficiency and Accountability Council; and Representative Grant—

HB 5065—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; providing for the adoption of the 2008 version of the Internal Revenue Code; prohibiting use of certain amounts in computing adjusted federal income for determining state corporate income tax liability; providing legislative intent; providing construction requirements against using certain federally allowable bonus depreciation for computing state net income; providing a definition; amending s. 220.13, F.S.; specifying additional amounts as additions to taxable income for purposes of adjusted federal income; amending ss. 220.241 and 220.33, F.S.; revising due dates for filing and paying estimated corporate income taxes; authorizing the Department of Revenue to adopt rules for certain administrative purposes; providing for retroactive operation; providing effective dates.

—was referred to the Fiscal Policy and Calendar Committee.

By the Economic Expansion and Infrastructure Council; and Representative Cannon and others—

HB 5067—A bill to be entitled An act relating to state infrastructure; amending s. 201.15, F.S.; revising the amount of funds from certain taxes distributed to the State Transportation Trust Fund; providing for revised funding levels for Department of Transportation projects; deleting a provision for distributing certain amounts to the Grants and Donations Trust Fund in the Department of Community Affairs for certain purposes; amending s. 215.211, F.S.; providing for specified service charges on certain revenues distributed to the State Transportation Trust Fund; revising provisions for funds to be used to fund the County Incentive Grant Program and the Small County Outreach Program; amending s. 311.09, F.S.; revising provisions for evaluation, approval, and funding of seaport projects; revising duties and responsibilities of the Florida Seaport Transportation and Economic Development Council; amending s. 316.251, F.S.; conforming a cross-reference to changes made by the act; amending s. 318.15, F.S.; increasing the nonrefundable service charge paid to the Department of Highway Safety and Motor Vehicles or to the clerk of the court to reinstate a suspended driver's license and privilege to drive; providing for disposition of proceeds collected; amending s. 318.18, F.S.; increasing the additional civil penalty for late payment of civil traffic penalties; providing for distribution and use of moneys collected; directing a portion of the moneys collected be used to recruit and retain officers of the Florida Highway Patrol; amending s. 319.001, F.S.; defining the term "certificate of title"; amending s. 319.40, F.S.; authorizing the issuance of electronic motor vehicle titles in lieu of

paper motor vehicle titles; authorizing the department to collect and use e-mail addresses of motor vehicle owners and registrants as a notification method; amending ss. 320.04 and 320.06, F.S.; providing for distribution of certain moneys collected relating to registration of motor vehicles and mobile homes; amending s. 320.08, F.S.; revises uses of certain motorcycle and moped license tax fees; amending ss. 320.0805 and 320.08056, F.S.; providing for disposition of certain specialty license plate processing fees; amending s. 320.20, F.S.; providing for distribution of certain proceeds from license tax fees; amending s. 320.203, F.S., relating to disposition of biennial license tax moneys; conforming provisions to changes made by the act; amending s. 320.95, F.S.; authorizing the department to collect and use e-mail addresses of motor vehicle owners and registrants as a notification method; amending s. 322.025, F.S.; revising provisions for funding of certain driver improvement programs; amending s. 322.0255, F.S.; eliminating requirements for motorcycle safety education course reimbursements; amending s. 322.17, F.S.; revising disposition of proceeds from fees for duplicate and replacement certificates; repealing s. 322.181, F.S., relating to a study of effects of aging on driving ability; eliminating the Florida At-Risk Driver Council; amending s. 322.21, F.S.; increasing the service fees for reinstating a suspended or revoked driver's license or commercial motor vehicle license; revising provisions for distribution and use of the funds received; requiring that a certain amount of the funds be used to establish a recruitment and retention salary payment plan for officers of the Florida Highway Patrol; amending s. 322.29, F.S., relating to the surrender and return of a license; conforming provisions to changes made by the act; amending s. 324.071, F.S.; providing for distribution of driver's license reinstatement fees; amending s. 328.30, F.S.; authorizing the use of electronic mail for distribution of vessel titles; authorizing the department to collect and use e-mail addresses of vessel owners and registrants as a notification method; amending s. 328.80, F.S.; authorizing the department to accept certain applications by electronic or telephonic means; authorizing the department to collect and use e-mail addresses of vessel owners and registrants as a notification method; amending s. 334.044, F.S.; revising duties of the Department of Transportation; removing certain roadside beautification provisions; amending s. 339.135, F.S.; providing for use of transportation revenues; providing for revised funding levels for Department of Transportation projects; amending ss. 403.890, 403.891, and 501.976, F.S.; conforming cross-references to changes made by the act; amending s. 1013.63, F.S.; revising provisions for funding the University Concurrence Trust Fund within the Department of Education; transferring the Office of Motor Carrier Compliance to the Division of the Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles; directing the Division of Statutory Revision of the Office of Legislative Services to prepare a reviser's bill to conform the Florida Statutes to organizational changes made by the act; providing an effective date.

—was referred to the Fiscal Policy and Calendar Committee.

By the Economic Expansion and Infrastructure Council; and Representative Cannon and others—

HB 5069—A bill to be entitled An act relating to approved budgets for operations and fixed capital outlay; amending s. 216.181, F.S.; providing that certain salary rate provisions do not apply to the Executive Office of the Governor; providing an effective date.

—was referred to the Fiscal Policy and Calendar Committee.

By the Economic Expansion and Infrastructure Council; and Representative Cannon and others—

HB 5071—A bill to be entitled An act relating to the Professional Sports Development Trust Fund; amending s. 320.08058, F.S.; removing a timeframe restriction on the use of proceeds from the fund for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games; providing an effective date.

—was referred to the Fiscal Policy and Calendar Committee.

By the Economic Expansion and Infrastructure Council; and Representative Cannon and others—

HB 5073—A bill to be entitled An act relating to the Department of State; amending s. 15.09, F.S.; eliminating the fee charged by the department for searching of papers or records; amending s. 267.031, F.S.; eliminating the requirement for the establishment of regional offices for the purpose of assisting the department in the delivery of historic preservation services; amending s. 267.173, F.S.; eliminating reference to contracting with the University of West Florida as a regional office serving a specified area, to conform; repealing s. 267.174, F.S., relating to the Discovery of Florida Quincentennial Commemoration Commission; providing an effective date.

—was referred to the Fiscal Policy and Calendar Committee.

By the Environment and Natural Resources Council; and Representative Mayfield—

HB 5079—A bill to be entitled An act relating to the Department of Environmental Protection; amending s. 20.255, F.S.; renaming the Office of Legislative and Government Affairs within the Department of Environmental Protection as the Office of Legislative Affairs to conform to changes made by this act; creating the Office of Intergovernmental Programs within the Department of Environmental Protection to conform to changes made by this act; renaming the Division of Resource Assessment and Management within the Department of Environmental Protection as the Division of Environmental Assessment and Restoration to conform to changes made by this act; amending s. 253.01, F.S.; providing for the transfer of a specified portion of funds from the Internal Improvement Trust Fund to the General Revenue Fund for a specified period; amending s. 258.034, F.S.; providing for the transfer of a specified portion of funds from the State Park Trust Fund to the General Revenue Fund for a specified period; amending s. 259.032, F.S.; deleting the requirement for the transfer of certain funds to the Plant Industry Trust Fund within the Department of Agriculture and Consumer Services; providing for the transfer of a specified portion of funds from the Conservation and Recreation Lands Trust Fund to the General Revenue Fund for a specified period; amending s. 369.25, F.S.; conforming references and provisions relating to certain regulatory authority for aquatic plants to conform to changes made by this act; amending s. 369.251, F.S.; conforming references relating to certain regulatory authority for invasive nonnative plants to conform to changes made by this act; amending s. 373.59, F.S.; providing for the transfer of a specified portion of funds from the Water Management Lands Trust Fund to the General Revenue Fund for a specified period; amending s. 376.11, F.S.; providing for the transfer of a specified portion of funds from the Florida Coastal Protection Trust Fund to the General Revenue Fund for a specified period; amending s. 376.307, F.S.; providing for the transfer of a specified portion of funds from the Water Quality Assurance Trust Fund to the General Revenue Fund for a specified period; amending s. 376.3071, F.S.; providing for the transfer of a specified portion of funds from the Inland Protection Trust Fund to the General Revenue Fund for a specified period; amending s. 403.0873, F.S.; providing for the transfer of a specified portion of funds from the Air Pollution Control Trust Fund to the General Revenue Fund for a specified period; amending s. 403.890, F.S.; providing for the transfer of a specified portion of funds from the Water Protection and Sustainability Program Trust Fund to the General Revenue Fund for a specified period; deleting the requirement for the distribution of specified funds to the Department of Environmental Protection for the implementation of an alternative water supply program; revising the distribution of specified funds to the Department of Environmental Protection and the Department of Agriculture and Consumer Services for certain activities relating to water quality standards; deleting the requirement for the distribution of specified funds to water management districts for certain surface water restoration activities; deleting the requirement for the distribution of specified funds to the Department of Environmental Protection for the Disadvantaged Small Community Wastewater Grant Program; deleting obsolete provisions relating to the distribution of certain funds; amending s. 581.145, F.S.; conforming references relating to certain regulatory authority for aquatic plants to conform to changes made by this act; providing for the type two transfer of the Bureau of Invasive Plant Management in Department of Environmental Protection to the Fish and Wildlife Conservation Commission; transferring specified authority relating to aquatic

plants and invasive nonnative plants from the bureau to the Department of Agriculture and Consumer Services; providing an effective date.

—was referred to the Fiscal Policy and Calendar Committee.

By the Environment and Natural Resources Council; and Representative Mayfield—

HB 5081—A bill to be entitled An act relating to trust funds of the Fish and Wildlife Conservation Commission; amending s. 370.0603, F.S.; providing for the transfer of specified funds from the Marine Resources Conservation Trust Fund to the General Revenue Fund for a specified period; amending s. 372.09, F.S.; providing for the transfer of specified funds from the State Game Trust Fund to the General Revenue Fund for a specified period; providing an effective date.

—was referred to the Fiscal Policy and Calendar Committee.

By the Policy and Budget Council; and Representative Sansom—

HB 5087—A bill to be entitled An act relating to the Agency for Persons with Disabilities; amending s. 393.0661, F.S.; revising provisions relating to certain clients with developmental disabilities served under the four-tiered waiver system; providing for residential habilitation services; establishing geographic differential payments for Miami-Dade, Broward, Palm Beach, and Monroe Counties; providing effective dates for applicable payments; providing for rebasing cost plans based on actual expenditures for individuals served by home and community-based services or family and supported living waiver programs; extending the effective date for the provision of certain services; providing for future review and repeal of certain provisions; amending s. 393.071, F.S.; providing for deposit of client fees into the agency's Operations and Maintenance Trust Fund; amending s. 393.125, F.S.; granting certain persons the right to request a hearing to review agency decisions; providing an effective date.

—was referred to the Fiscal Policy and Calendar Committee.

By the Policy and Budget Council; and Representative Sansom—

HB 5093—A bill to be entitled An act relating to tuberculosis control; amending ss. 392.51 and 392.69, F.S.; revising legislative intent with respect to delivery of tuberculosis control services; requiring appropriations to be designated for the monitoring of and provision of services to persons with contagious tuberculosis and to provide a system of voluntary, community-oriented care; removing requirements for the use of funds; revising duties of the advisory board; removing references to the A.G. Holley State Hospital; providing an effective date.

—was referred to the Fiscal Policy and Calendar Committee.

By the Policy and Budget Council; and Representative Sansom—

HB 5001—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2008, and ending June 30, 2009, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

—was referred to the Fiscal Policy and Calendar Committee.

By the Policy and Budget Council; and Representative Sansom—

HB 5003—A bill to be entitled An act implementing the 2008-2009 General Appropriations Act; providing legislative intent; amending s. 1001.451, F.S.; revising the incentive grant amounts for regional consortium service organizations; amending s. 1012.225, F.S.; revising the dates when Merit Award Program plans must be submitted; amending s. 394.908, F.S.; requiring that funds appropriated for forensic mental health treatment services be allocated to the areas of the state having

the greatest demand for services and treatment capacity; providing allocation requirements for specified funds appropriated for mental health services; providing for a health care collaborative action network and discount health care pilot program in Miami-Dade County; authorizing the Executive Office of the Governor to approve the increase in nonoperating transfer budget authority for trust funds in the Department of Children and Family Services; authorizing the Department of Corrections and the Department of Juvenile Justice to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the respective department; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; amending s. 216.292, F.S.; authorizing certain transfers of appropriations for operations from general revenue between budget categories and entities of the criminal conflict and civil regional counsels and the budget category for child dependency and civil conflict cases within the Justice Administrative Commission; providing for future expiration of such provisions; authorizing the Department of Legal Affairs to expend appropriated funds on programs funded in the preceding fiscal year; authorizing the Department of Legal Affairs to transfer certain funds to pay salaries and benefits; amending s. 112.24, F.S.; providing circumstances under which a receiving party is not required to pay certain reimbursement costs for a state employee pursuant to an intergovernmental interchange; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; amending s. 110.123, F.S.; providing for the state's monthly contribution for employees under the state group insurance program; authorizing the Department of Financial Services to expend certain funds for salaries and related expenses; amending s. 215.5595, F.S.; revising legislative findings; providing for appropriated state funds to be exchanged for surplus notes issued by residential property insurers under the program; revising the conditions and requirements for providing funds to insurers under the program; requiring a commitment by the insurer to meet minimum premium-to-surplus writing ratios for residential property insurance and for taking policies out of Citizens Property Insurance Corporation; authorizing the State Board of Administration to charge a fee for late payments; providing that amendments made by the act do not affect the terms of surplus notes approved prior to a specified date; authorizing the State Board of Administration and an insurer to renegotiate such terms consistent with such amendments; requiring Citizens Property Insurance Corporation to transfer funds to the General Revenue Fund for appropriation by the Legislature for program purposes; prohibiting certain statutory amendments or transfer of funds for use by Citizens Property Insurance Corporation for certain purposes; amending s. 252.373, F.S.; requiring the Division of Emergency Management to provide emergency power generators to special-needs hurricane evacuation shelters from the Emergency Management, Preparedness, and Assistance Trust Fund; amending s. 215.559, F.S.; requiring the Division of Emergency Management to provide emergency power generators to special-needs hurricane evacuation shelters from the Grants and Donations Trust Fund; amending s. 288.1088, F.S.; requiring the availability of incentives to stimulate economic growth in certain rural areas; amending s. 553.75, F.S.; authorizing the use of communication media technology at certain meetings of the Florida Building Commission; amending s. 259.032, F.S.; authorizes the transfer of funds from the Conservation and Recreation Lands Trust Fund for certain cleanup and beach restoration activities; providing for reversion of certain provisions; amending s. 216.221, F.S.; providing for conditions under which the Governor is authorized to request a transfer of funds from the Budget Stabilization Fund to the General Revenue Fund; amending s. 215.5601, F.S.; providing for conditions under which the Governor is authorized to request a transfer of funds from the Lawton Chiles Endowment Fund to the General Revenue Fund and providing for a schedule of repayment; providing for temporary reduction of legislators' salaries; prohibiting the Department of Revenue from making certain distributions in the 2008-2009 fiscal year to certain sports facilities; providing for the effect of a veto of one or more specific appropriations or proviso to which implementing language refers; providing for the continued operation of certain provisions notwithstanding a future repeal or expiration provided by the act; providing for severability; providing effective dates.

—was referred to the Fiscal Policy and Calendar Committee.

By the Policy and Budget Council; Jobs and Entrepreneurship Council; and Representative Reagan—

CS for HB 5057—A bill to be entitled An act relating to the Insurance Capital Build-Up Incentive Program; amending s. 215.5595, F.S.; revising legislative findings; providing for appropriation of state funds in exchange for surplus notes issued by residential property insurers under the program; revising the conditions and requirements for providing funds to insurers under the program; requiring a commitment by the insurer to meet minimum premium-to-surplus writing ratios for residential property insurance and for taking policies out of Citizens Property Insurance Corporation; authorizing the State Board of Administration to charge a fee for late payments; providing that amendments made by the act do not affect the terms of surplus notes approved prior to a specified date; authorizing the State Board of Administration and an insurer to renegotiate such terms consistent with such amendments; requiring Citizens Property Insurance Corporation to transfer funds to the General Revenue Fund for appropriation by the Legislature for program purposes; requiring the board to transfer each quarter certain funds to the corporation under certain circumstances; prohibiting Citizens Property Insurance Corporation from using certain statutory changes or authorized transfers of funds as justification or cause to seek any rate or assessment increase; providing an effective date.

—was referred to the Fiscal Policy and Calendar Committee.

By the Government Efficiency and Accountability Council; and Representative Grant—

HB 5061—A bill to be entitled An act relating to revenue administration; amending s. 195.002, F.S.; authorizing payment of salaries and benefits for certain employees associated with certain schools; amending s. 195.022, F.S.; requiring all counties to reproduce department forms at county expense; specifying requirements of the department and property appraisers for payment of expenses of furnishing photographs and maps; authorizing the department to incur certain expenses and charge fees equal to such expenses; providing for deposit of such fees into the Certification Program Trust Fund; providing for separate accounts in the fund for certain purposes; providing for department use of such funds for certain expenses; amending s. 195.087, F.S.; requiring property appraisers to pay certain fees for aerial photographs and certain maps; prohibiting the Department of Revenue from making certain distributions in fiscal year 2008-2009 to certain sports facilities; providing an effective date.

—was referred to the Fiscal Policy and Calendar Committee.

By the Safety and Security Council; and Representative Needelman—

HB 5075—A bill to be entitled An act relating to reorganization of the Parole Commission; changing the name to the Parole Board; transferring the commission to the Department of Corrections for administrative purposes; amending ss. 11.905, 20.315, 20.32, 23.21, 112.011, 186.005, 255.502, 311.12, 322.16, 394.926, 394.927, 775.089, 775.16, 784.07, 784.078, 843.01, 843.02, 843.08, 893.11, and 921.16, F.S.; conforming provisions to changes made by the act; repealing s. 921.20, F.S., relating to a classification summary to be furnished to the Parole Commission; amending ss. 921.21, 921.22, 940.03, 940.05, 941.23, 943.0311, 943.06, 943.325, 944.012, 944.02, 944.024, 944.091, 944.23, 944.291, 944.4731, 945.091, 945.10, 945.25, 945.47, and 945.73, F.S.; conforming provisions to changes made by the act; repealing s. 947.001, F.S., relating to a short title to chapter 947, F.S.; amending ss. 947.002, 947.005, 947.01, and 947.02, F.S.; conforming provisions to changes made by the act; repealing s. 947.021, F.S., relating to expedited appointments to the Parole Commission; amending ss. 947.03 and 947.04, F.S.; conforming provisions to changes made by the act; providing a transitional provision relating to assignment of former Parole Commissioners to temporary duty for specified purposes; repealing s. 947.045, F.S., relating to the commission's Federal Grants Trust Fund; amending ss. 947.05, 947.06, 947.07, 947.071, 947.10, 947.11, 947.12, and 947.13, F.S.; conforming provisions to changes made by the act; repealing s. 947.135, F.S., relating to a mutual participation program; repealing s. 958.15, F.S., relating to exempting youthful offenders in mutual participation program agreements from specified provisions; amending ss. 947.1405, 947.141, 947.146, 947.149, 947.15, 947.16, 947.165, 947.168, 947.172, 947.173,

947.174, 947.1745, 947.1746, 947.1747, 947.18, 947.181, 947.185, 947.19, 947.20, 947.21, 947.22, 947.23, 947.24, 947.26, 948.09, 948.10, 949.05, 951.29, 957.06, 958.045, 960.001, 960.17, 985.04, and 985.045, F.S.; conforming provisions to changes made by the act; reenacting s. 948.06(6), F.S., relating to violations of community control, to incorporate the amendments to ss. 947.22 and 947.23, F.S., in references thereto; providing a directive to the Division of Statutory Revision; transferring statutory powers, duties and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds for the administration of the Parole Commission by a type two transfer from the Parole Commission to the Department of Corrections; providing legislative intent concerning the hiring of former Parole Commission employees by the department; specifying legislative intent concerning the nature of the transfer; providing provisions that apply if a court should rule that the Parole Board is not a continuation of the Parole Commission; providing an effective date.

—was referred to the Fiscal Policy and Calendar Committee.

By the Environment and Natural Resources Council; and Representative Mayfield—

HB 5077—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 215.20, F.S.; including the Agricultural Emergency Eradication Trust Fund within specified trust funds that are subject to the service charge on income of a revenue nature; amending s. 570.191, F.S.; revising the uses of the Agricultural Emergency Eradication Trust Fund; repealing s. 570.1911, F.S., relating to notice of certification of an agricultural emergency; amending s. 570.20, F.S.; providing for the transfer of certain funds from the General Inspection Trust Fund to the General Revenue Fund for a specified period; removing obsolete provisions; amending s. 581.212, F.S.; providing for the transfer of certain funds from the Plant Industry Trust Fund to the General Revenue Fund for a specified period; repealing s. 585.105, F.S., relating to the purchase, distribution, and administration of approved brucella vaccine by the department; providing an effective date.

—was referred to the Fiscal Policy and Calendar Committee.

By the Policy and Budget Council; and Representative Sansom—

HB 5083—A bill to be entitled An act relating to education; amending s. 121.021, F.S.; deleting salary supplements for National Board for Professional Teaching Standards certification from the definition of “compensation” under the Florida Retirement System; amending s. 1002.33, F.S.; excluding charter school Merit Award Program funds from the calculation of school district administrative fees; amending s. 1007.271, F.S.; deleting dual enrollment funding provisions; amending s. 1011.62, F.S.; revising provisions relating to the calculation of full-time equivalent membership for dual enrollment instruction; authorizing a district school board to transfer certain categorical funds for academic classroom instruction; requiring the Department of Education to report to the Legislature the amounts transferred and the activities for which the funds were expended; requiring a district school board to report to the department if the school board transfers funds from its allocation for research-based reading instruction; providing for future expiration of certain provisions; amending s. 1011.71, F.S.; revising requirements for school district expenditure of revenue generated by the district school tax millage; providing for future expiration of such provisions; amending s. 1012.72, F.S., relating to the Dale Hickam Excellent Teaching Program; eliminating as authorized expenditures the fee subsidy for National Board for Professional Teaching Standards certification, the portfolio preparation incentive, the bonus for mentoring and related services, and the employer’s share of Florida Retirement System contributions; revising the requirements by which a teacher may qualify for a bonus; deleting provisions to conform; amending s. 1011.52, F.S.; requiring the first accredited medical school to enter into an annual operating agreement with a government-owned hospital meeting specified criteria; providing for maintenance of affiliation; requiring submission of documentation of the agreement to the Department of Education prior to payment from appropriation; providing an effective date.

—was referred to the Fiscal Policy and Calendar Committee.

By the Policy and Budget Council; and Representative Sansom—

HB 5085—A bill to be entitled An act relating to health care; transferring and reassigning certain functions and responsibilities, including records, personnel, property, and unexpended balances of appropriations and other resources, from the Department of Health to the Department of Business and Professional Regulation by a type two transfer; providing for the continued validity of pending judicial or administrative actions to which the Department of Health is a party; providing for the continued validity of lawful orders issued by the Department of Health; transferring rules created by the Department of Health to the Department of Business and Professional Regulation; providing for the continued validity of permits and certifications issued by the Department of Health; amending s. 400.179, F.S.; authorizing the Agency for Health Care Administration to transfer funds to the Grants and Donations Trust Fund for certain repayments; amending s. 409.905, F.S.; prohibiting payment for certain hospital inpatient per diem rate adjustment for 2 fiscal years; amending s. 409.906, F.S.; prohibiting payment for Medicaid chiropractic services, hospice care services, and podiatric services for 2 fiscal years; authorizing payment of a specified amount for Medicaid services provided by an anesthesiologist assistant; amending s. 409.908, F.S.; deleting a provision prohibiting Medicaid from making any payment toward deductibles and coinsurance for services not covered by Medicaid; providing limitations on Medicaid payments for coinsurance; revising reimbursement rates for providers of Medicaid prescribed drugs; requiring the agency to revise reimbursement rates for hospitals, nursing homes, county health departments, and community intermediate care facilities for the developmentally disabled for 2 fiscal years; requiring the agency to apply the effect of the revised reimbursement rates to set payment rates for managed care plans and nursing home diversion programs; requiring the agency to establish workgroups to evaluate alternative reimbursement and payment methodologies for hospitals, nursing facilities, and managed care plans; requiring a report; providing for future repeal of the suspension of the use of cost data to set certain rates; amending s. 409.911, F.S.; revising the share data used to calculate disproportionate share payments to hospitals; amending s. 409.9112, F.S.; revising the time period during which the agency is prohibited from distributing disproportionate share payments to regional perinatal intensive care centers; amending s. 409.9113, F.S.; requiring the agency to distribute moneys provided in the General Appropriations Act to statutorily defined teaching hospitals and family practice teaching hospitals under the teaching hospital disproportionate share program for the 2008-2009 fiscal year; amending s. 409.9117, F.S.; prohibiting the agency from distributing moneys under the primary care disproportionate share program for the 2008-2009 fiscal year; amending s. 409.912, F.S.; adding a county for participation in the Medicaid behavioral health care services specialty prepaid plan; revising reimbursement rates to pharmacies for Medicaid prescribed drugs; requiring the agency to notify the Legislature before seeking an amendment to the state plan in order to implement programs authorized by the Deficit Reduction Act of 2005; creating s. 409.91206, F.S.; providing for proposed alternatives for health and long-term care reforms; amending s. 409.91211, F.S.; providing for expansion of the Medicaid managed care pilot program to Hardee, Highlands, Hillsborough, Manatee, Miami-Dade, Monroe, Pasco, Pinellas, and Polk Counties; permitting fee-for-service provider service networks to be reimbursed on a risk-adjusted capitated basis for certain services; requiring the agency to encourage cost-effective administration by provider service networks; requiring quarterly monitoring and annual evaluation of plan network adequacy; requiring that Medicaid recipients receive prescription drug coverage information for each plan; requiring the agency to set standards for prompt claims payment; revising assignment processes for certain recipients; amending s. 409.9124, F.S.; removing the limitation on the application of certain rates and rate reductions used by the agency to reimburse managed care plans; amending s. 409.913, F.S.; prohibiting mailing of the explanation of benefits for certain Medicaid services; repealing s. 381.0271, F.S., relating to the Florida Patient Safety Corporation; repealing s. 381.0273, F.S., relating to public records exemption for patient safety data; repealing s. 394.4595, F.S., relating to access to patient records by the Florida statewide and local advocacy councils; repealing s. 402.164, F.S., relating to the Florida Statewide Advocacy Council and the Florida local advocacy councils; repealing s. 402.165, F.S., relating to the Florida Statewide Advocacy Council; repealing s. 402.166, F.S., relating to Florida local advocacy councils; repealing s. 402.167, F.S., relating to duties of state agencies that provide client services relating to the Florida Statewide Advocacy Council and the Florida local advocacy councils; repealing s. 409.9061, F.S., relating to authority for a statewide laboratory services contract; repealing s.

430.80, F.S., relating to implementation of a teaching nursing home pilot project; repealing s. 430.83, F.S., relating to the Sunshine for Seniors Program; repealing ss. 464.0195, 464.0196, and 464.0197, F.S., relating to the Florida Center for Nursing; repealing s. 464.0198, F.S., relating to the Florida Center for Nursing Trust Fund; amending ss. 39.001, 39.0011, 39.202, 39.302, 215.22, 394.459, 394.4597, 394.4598, 394.4599, 394.4615, 400.0065, 400.118, 400.141, 415.1034, 415.104, 415.1055, 415.106, 415.107, 429.19, 429.28, 429.34, and 430.04, F.S.; conforming provisions and correcting cross-references; providing an effective date.

—was referred to the Fiscal Policy and Calendar Committee.

By the Policy and Budget Council; and Representative Sansom—

HB 5091—A bill to be entitled An act relating to tobacco education and prevention; amending s. 381.84, F.S.; providing an additional purpose in implementing the Comprehensive Statewide Tobacco Education and Use Prevention Program; expanding the counter-marketing and advertising campaign component to include utilization of innovative communication strategies, including the use of physicians and dentists; expanding the cessation programs, counseling, and treatment component to include the use of physicians and dentists; substituting the term “tobacco-use cessation” for “smoking cessation”; expanding the community programs and chronic disease prevention component to include statewide programs; deleting county health department funding eligibility; specifying purposes for the use of funds distributed under the program; revising membership of the Tobacco Education and Use Prevention Advisory Council; requiring the Department of Health to award contracts and grants for certain purposes; deleting obsolete language; providing an effective date.

—was referred to the Fiscal Policy and Calendar Committee.

RETURNING MESSAGES—FINAL ACTION

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 242, CS for SB 276, CS for SB 2102, CS for SB 2116, SB 2120, CS for SB 2122 and SB 2124; and passed SB 2100, SB 2104, SB 2106, SB 2108, SB 2110, SB 2112, SB 2114, SB 2118, SB 2128, SB 2130 and SB 2132 by the required constitutional three-fifths vote of the membership of the House.

William S. Pittman III, Chief Clerk

The bills contained in the foregoing messages were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 9 was corrected and approved.

CO-INTRODUCERS

Senators Baker—SB 2554; Bennett—CS for SB 790; Crist—CS for SB 2652; Fasano—CS for CS for SB 2026; Gaetz—CS for CS for SB 1716; Joyner—SB 2790; Justice—SB 772; Lynn—CS for SB 2350; Margolis—SB 226; Siplin—SB 142; Webster—CS for CS for SB 756

RECESS

On motion by Senator King, the Senate recessed at 1:10 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:30 a.m., Wednesday, April 16 or upon call of the President.